

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 2693 OF 2022

Santosh Linkaran Chandak

-- Petitioner

Vs.

The State of Maharashtra & others

-- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V.B. Bhise, Advocate for Petitioner

Mrs.S.S. Jachak, AGP for Respondents

CORAM : MANISH PITALE, J.

DATE : 24th JUNE, 2022

By this petition the petitioner has challenged orders dated 13/04/2022, passed by the Tahsildar and dated 21/04/2022, passed by the Sub-Divisional Officer, in the context of seizure of a truck belonging to petitioner, which was allegedly found transporting minor mineral.

2. Apart from raising other grounds, the principal ground of challenge raised in the present petition is that while notice was issued to the petitioner to submit his explanation for hearing on 22/04/2022, the Tahsildar passed the impugned order on 13/04/2022. By the said order, penalty of Rs.62,400/-, was imposed for allegedly illegally transporting minor mineral. Similarly, the Sub-Divisional Officer by order dated 21/04/2022, imposed penalty of Rs.2,00,000/-, on the vehicle in question.

3. A perusal of the documents placed on record shows that there was clear violation of principles of natural justice and the Tahsildar as well as the Sub-Divisional Officer failed to give proper opportunity to the petitioner to explain his case before passing drastic orders imposing penalty and in seizing the truck belonging to the petitioner.

4. On this short ground, this Court is convinced that the present petition deserves to be partly allowed. Accordingly, the writ petition is partly allowed. The impugned orders are quashed and set aside. The matter is remanded to the respondent – Tahsildar for a proper enquiry into the matter. In the meanwhile, this Court is convinced that the truck belonging to the petitioner bearing registration No. MH-30-BD-2104, deserves to be released subject to appropriate directions.

5. Accordingly, the truck bearing registration No. MH-30-BD-2104, shall be released in favour of the petitioner during pendency of the enquiry before the Tahsildar, subject to the petitioner producing the aforesaid truck before the concerned authority as and when directed.

JUDGE