

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

WRIT PETITION NO. 4046 OF 2022

Dinesh Ramswarup Sharma Vs. State of Maharashtra and ors

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

Court's or Judge's orders

Mr. A.R.Ingole, Advocate for Petitioner
Mrs.M.M.Barabde, AGP for respondents.

CORAM : AVINASH G. GHAROTE, J.
DATE : 05/08/2022

1] Mr. Ingole, learned counsel for the petitioner has tendered across the bar, a copy of reply dated 4.7.2022, which has been submitted by him to the Tahsildar.

2] The submission of the reply is not disputed by the learned AGP

3] The reply merely indicates the acceptability of the measurement and the penalty which may be imposed consequent thereto. However, it is not a disputed position that the measurement of the sand in question has not been carried out in presence of the petitioner. The above admission therefore has to be looked in light of presence of the petitioner while carrying out the measurement. Since this has not been done, the impugned order dated 05.07.2022 (page 19) is hereby quashed and set aside and the matter is remitted back to the Respondent No.4 for carrying out proper

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measurement of the sand in question in presence of the petitioner and thereafter imposing the penalty.

4] The Petition is accordingly allowed and disposed of.

JUDGE

Rvjalit