

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO.159/2021

M/s. Shree Gajanan Construction Company .Vs. State of Maharashtra and Anr.

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

Court's or Judge's orders

Mr. Rohit Joshi, Advocate for petitioner.
Mr. M.K. Pathan, AGP for respondent Nos.1 and 2.

CORAM : DIPANKAR DATTA, C.J. &
NITIN W. SAMBRE, J.

DATE : SEPTEMBER 5, 2022

P.C.

1. The petitioner questions a challan dated 29.09.2020 issued by the District Mining Officer, Yavatmal, whereby fine of ₹2,32,600/- was imposed on the petitioner on the allegation that the truck of the petitioner was overloaded.

2. At the outset, Mr. M.K. Pathan, learned AGP appearing for the respondents concedes that prior to imposition of such fine on the petitioner, he was not put on notice and that he has specific instructions from the respondent no.2 to submit that he is agreeable to reconsider the matter.

3. In view of such submission, we set aside the impugned challan dated 29.09.2020. The respondent no.2 is directed to put the petitioner on notice and hear him before passing any further order.

4. The writ petition stands disposed of. No costs.

5. All contentions on merit are kept open.

(NITIN W. SAMBRE, J.) (CHIEF JUSTICE)