

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

63 WRIT PETITION NO.1098 OF 2023

**DR. RAJENDRA VILAS PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocates for the petitioner : Mr.A.R.Syed a/w.
Mr.S.P.Pandit

AGP for the respondent-State : Mr.S.P.Tiwari

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CORAM: ARUN R. PEDNEKER, J.

DATE: 20th FEBRUARY, 2023

PER COURT:

1] The learned AGP has placed on record the order dated 14th December, 2022. After hearing the petitioners, the learned Tahsildar, Nandurbar has passed the order dated 14.12.2022 imposing penalty of Rs.1,30,390/- for unauthorisedly carrying of one brass of sand [minor mineral] without payment of royalty.

2] As an alternate remedy of appeal is available, the petitioner is permitted to file an appeal before the Appellate Authority, challenging the same order.

3] The learned counsel for the petitioner also prays that the truck bearing No. MH-39 AB-0220 be released on certain conditions.

4] As it is not in anyone's interest to keep the vehicle idle, as it would deteriorate in value, as such in the event the petitioner deposits 50% of the penalty amount, the Tahsildar, Nandurbar is directed to release the vehicle of the petitioner on usual terms and conditions within four [4] working days of the production of the receipt of payment of 50% of the penalty amount.

5] While deciding the appeal filed by the petitioner, the appellate authority to consider all the contentions of the petitioners on merits and to deal with all the issues as per the contentions raised by the petitioners.

6] In view of the above, the present Writ Petition is disposed of.

[ARUN R. PEDNEKER, J.]