

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

137 WRIT PETITION NO.3007 OF 2023

CHETAN DASHRATH SONWANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND ANOTHER

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Advocate for Petitioner : Mr. B S Deshmukh
AGP for Respondents : Mr. S G Sangle

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: March 20, 2023

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PER COURT :-

1. Heard.
2. In compliance with the detailed order dated 16th March, 2023 the respondent Thasildar has submitted his affidavit-in-reply, so also produced original record. The order impugned pertains to the vehicle registration No.GJ-05-BV-6634.
3. Admittedly, the Zero ETP is not issued against the aforesaid vehicle registration number and mistakenly two ETPs are issued against vehicle bearing registration No.MH-48/AY-8190. If we compare the royalty pass issued from the State of Maharashtra with the royalty pass issued from State of Gujarat, the contents in the royalty issued by the Gujarat State matches

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with that of Zero ETP issued by the Maharashtra State, but vehicle registration number is different.

4. It appears that the petitioner's driver or the person, who has entered vehicle in ETP might have committed bonafide mistake in entering the registration number of the vehicle, which lead to issuance of zero ETP for the same vehicle bearing registration no.MH-48-AY-8190.

5. As the details in the royalty pass issued by the State of Gujarat matches with that of Zero ETP pass issued by the State of Maharashtra but for registration number of Gujarat Vehicle; in one of the Zero ETP pass, we deem it appropriate to quash and set aside the impugned order passed by the Tahsildar dated 19th January, 2023.

6. In this background, the impugned order dated 19th January, 2023 is hereby quashed and set aside. The consequential order dated 24th February, 2023 is also quashed and set aside.

7. Learned counsel for the petitioner assures that he shall be bound by the orders passed by the Tahsildar and shall

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deposit the amount, if so directed. As such, we direct that the vehicle of the petitioner be released forthwith. The petitioner is permitted to take custody of the vehicle from the office of the respondent-Tahsildar. The petitioner to appear before the Tahsildar on 23rd March, 2023 at 11.00 am.

8. Petition stands allowed in above terms.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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