

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

22 WRIT PETITION NO.5064 OF 2023

**JAYESH RAJENDRA SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
ANOTHER**

...
Advocate for Petitioner : Mr. A.M. Reddy
AGP for Respondents/State : Mr. K.B. Jadhavar
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : 02/05/2023**

PER COURT :

1. By the present writ petition, the petitioner challenges the impugned order dated 20.04.2023 passed by the respondent No. 2 – Tahsildar Jalgaon, who imposed penalty of Rs.45,770/- on the petitioner for transportation of two brass sand.
2. The learned AGP submits that the petitioner has alternate remedy to challenge the impugned order before the Sub Divisional Officer. In view of the same, the petitioner is permitted to challenge the impugned order passed by the respondent No. 2 before the Sub Divisional Officer, the appellate authority. .
3. The learned counsel for the petitioner submits that his truck bearing registration No.MH-19/Z-9479 is under attachment and the custody of the same is with the authority from 13.04.2023 and the vehicle is in deteriorating condition due to lack of maintenance.
4. In view of the aforesaid submissions, it is hereby directed that on payment of 50% amount under the impugned order, the truck bearing registration No.MH-19/Z-9479 be released in favour of the petitioner within

four days of the receipt of payment of above 50% amount on usual terms and conditions, that may be imposed. The petitioner shall give undertaking that in the event, the petitioner fails in the appeal, he will surrender the vehicle within 60 days from the decision of appeal. The writ petition is disposed of.

[ARUN R. PEDNEKER J.]

ssc/