

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

903 WRIT PETITION NO.6082 OF 2023

**NANDED ZILHA TRUCK CHA. ASSOCIATION NANDED THROUGH
MEMBER S. HARPAL SINGH S. BHAGWANT SINGH GULATI**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

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Advocate for Petitioners : Mr. Mrigesh D. Narwadkar
AGP for Respondent/State : Mr. S. G. Karlekar
Advocate for respondent no. 4 : Mr. S. V. Adwant
Advocate for Respondent No. 5 : Mr. U. P. Kale

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AND

WRIT PETITION NO. 6737 OF 2023

**MAHARASHTRA MOTOR MALAK & CHALAK UNION, THROUGH ITS
VICE PRESIDENT – MAJEEDULLAH KHAN SATTAR KHAN, NANDED**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Shaikh Ashpak Taher Patel
AGP for Respondent/State : Mr. S. G. Karlekar
Advocate for respondent no. 4 : Mr. S. V. Adwant
Advocate for Respondent No. 5 : Mr. U. P. Kale

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**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATED : 13th JULY 2023

PER COURT : -

1. We have considered the extensive submissions of the learned advocates for the respective sides. We have perused the petition paper-books and the affidavits-in-reply along with the voluminous documents tendered by the respondents. By consent of the parties, since this petition is to be disposed off by recording that the State of Maharashtra would make efforts to convert the "IN-SITU" Border Checkpost into a Full-fledged Border Checkpost. Hence, we are not advertng to the entire contentions and submissions advanced by the learned advocates for the respective sides, by their consent.

2. In view of the above, we record that the State Government would make sincere efforts to acquire lands within the limits of the Border Checkpost in order to create godowns, detention yards and parking areas. If these are achieved, the IN-SITU Checkpost can be converted into a Full-fledged Border Checkpost. It is also placed before us that the concessionaire has operationalized the IN-SITU border Checkpost by providing operational lanes, admin building, warehouse, transport office, detention area, detention cell, parking area, facility centre, residential quarters, single shared accommodation, triple sharing accommodation, dormitory for drivers, mess facility etc. Customized software has also been developed and the entire transaction data is stored in the Central Control Room in Mumbai. All the sites are

connected to the Central Control Room through ILL links from primary and secondary service providers. Disaster recovery site is also created and six monthly drill operations for testing the disaster recovery site are conducted and documented.

3. Before parting with this matter, we need to record that the Regional Transport Officer, Nanded, has conveyed to the District Collector, Nanded that Shri. Mohanrao Hambarde, Member of the State Legislative Assembly, elected from the Nanded South Vidhansabha – 87 Constituency has expressed his opposition to the Border Checkpost and has sought a closing down of the Checkpost. We do not appreciate such interference. Proper Checkposts are provided under the Maharashtra Motor Vehicles Act / Rules and are an integral part of the State's operational mechanism. Such mechanism ought not to be interfered with.

4. The learned advocate representing the petitioner association submits that if there are any shortcomings in the facilities provided by the Concessionaire, as the association disputes all the facilities provided by them, they may be permitted to address the District Collector in order to ensure that there is no complacency or laxity in such services provided by the Concessionaire. Needless to state, that if at all there is any deficiency that may have occurred, such

grievance will have to be addressed to the Steering Group under the Chairmanship of the V.C. & M.D. of the M.S.R.D.C. Ltd., which would follow the due procedure laid down for dealing with such complaints. Needless to state, that the Concessionaire has specifically stated that the facilities provided are in consonance with the 'IN-SITU' Border Checkpost status as is prescribed under the rules.

5. With the above statements recorded, **these petitions are disposed off.**

[Y. G. KHOBRAGADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE