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

70 WRIT PETITION NO.8842 OF 2023

**MAHESH RAVINDRA PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

....

Mr B. S. Deshmukh, Advocate for Petitioner;
Mr S. W. Munde, A.G.P. for Respondents/State

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

DATE : 25th July, 2023

PER COURT:

1. The Petitioner has put forth prayer clause (B), as under :-

“B) The Hon'ble High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, direction or order thereby direct respondent no.3 to carry re-calibration of vehicle no. MH-18-BG-7975, as requested by petitioner by making representation dated 29/05/2023 and further be directed that if the weight found up to permissible limit, then the respondent authority shall release the vehicle immediately by recalling the penalty order issued by respondent no.3 dtd. 02/05/2023.”

2. The contention of the learned A.G.P., in the light of the notice dated 16/05/2023, is that, the vehicle which was seized

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and parked in the Tahsildar office, Shindkheda, was surreptitiously taken away by the Petitioner on 12/05/2023 in the afternoon and thereafter, parked in the Government Rest House, in Shindkheda. This was discovered when the Additional Collector made a surprise visit on 15/05/2023 and also noticed that the vehicle was again used for transporting sand.

3. The learned Advocate for the Petitioner submits that, these allegations have been refuted by the reply dated 02/06/2023.

4. Considering the orders passed by this Court in several identical matters, **this petition is disposed off.** The Tahsildar would carry out the re-calibration of the vehicle No.MH-18-BG-7975 on 04/08/2023 upto 5.00 p.m. Needless to state, if the weight of the vehicle is within permissible limits, the same will be released by following the due procedure laid down in law, only if the said vehicle is not required in any other case or inquiry, and if there is no other legal impediment. In the event any penalty is leviable, such order would be passed after hearing the Petitioner, before releasing the vehicle.

(Y. G. KHOBRADE, J.)

sjk

(RAVINDRA V. GHUGE, J.)