

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

907 WRIT PETITION NO.9520 OF 2023

**CHHOTU EKNATH SAPKALE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND ANOTHER**

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**Advocate for Petitioner:
Mr. B. S. Deshmukh h/f. Mr. Atul Madhav Pawar
AGP for Respondent/State: Mr. S. B. Pulkundwar**

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CORAM : ARUN R. PEDNEKER, J.

DATE : 31st AUGUST, 2023

PER COURT:

1. Heard.

2. The learned counsel for the petitioner submits that the notice was issued by the Tahsildar, Jalgaon for imposing penalty of Rs.45,770/- for transport of the minor mineral.

3. The learned AGP submits that for the wrongful usage of the vehicle the notice was issued to the petitioner and that an order is passed by the Sub-Divisional Officer. There is no challenge as regards the wrongful use of the vehicle in this proceeding.

4. In view of the same, the petitioner is permitted to challenge both the orders before the appellate authority and seek prayer for release of the vehicle on such terms and conditions as the appellate authority deems fit. On an application made by the petitioner before the appellate authority to release the vehicle the appellate authority to decide the same within a period of three (03) days thereafter.

5. The writ petition stands disposed of.

[ARUN R. PEDNEKER, J.]

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