

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

WRIT PETITION NO. 9180 OF 2023

Akash Ganesh Borse @ Koli

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. B. S. Deshmukh, Advocate h/f Mr. Atul M. Pawar, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 and 2.

CORAM : KISHORE C. SANT, J.

DATED : 11th AUGUST, 2023.

P C. :-

. This petition is filed against the show cause notice issued by the learned Tahsildar dated 13.07.2023 as to why no action be taken of imposing fine of Rs. 45,770/- for transporting the sand illegally along with fine of Rs. 2,00,000/- for illegal use of vehicle for transporting the sand.

2. The petitioner has approached this Court challenging the action stating that, the learned Tahsildar has no jurisdiction to impose fine of Rs. 2,00,000/-. Now it is informed that, subsequently the learned Tahsildar has issued a fresh notice on 04.08.2023 only in respect of penalty on the illegal transportation of sand along with Rs. 1200/- towards royalty. Thus, the total amount of penalty is Rs. 45,770/-. The

learned Tahsildar has now submitted the file for action to learned S.D.O. in respect of use of vehicle illegally.

3. In view of that, this petition can be disposed off as the petitioner undertakes to deposit an amount of Rs. 45,770/- as per the notice issued by the learned Tahsildar.

4. In this view of the matter, the vehicle of the petitioner be released on depositing of an amount of Rs. 45,770/- subject to outcome of the proceedings by the learned S.D.O.

5. The said exercise be done within a period of two (02) weeks from today. The authorities will be at liberty to take action as per law thereafter. The petitioner would also file an undertaking that he would abide by the order if passed pursuant to the fresh action, if any, taken by the authorities. The vehicle shall not be used hereinafter for any illegal purpose in the similar activity without authorization. Till the action is finally disposed off he shall not transfer the vehicle. The said undertaking be filed before the authorities within a period of two (02) weeks from today by filing copy in this Court.

6. With the, the writ petition stands disposed off.

(KISHORE C. SANT, J.)

PS.B.