

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

925 WRIT PETITION NO.8790 OF 2023

Kunal Satish Bhavsar

...PETITIONER

VERSUS

The Tahasildar,
Tahasil Office Pimpalner
Tq. Pimpalner, Dist. Dhule

...RESPONDENT

Mr. Narendra D. Sonawane, Advocate for the petitioner
Mr. K. N. Lokhande, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 24th JULY, 2023

P. C.

1. Heard.

2. The matter is taken up for final disposal with consent of the parties.

3. Learned AGP waives service of notice for the respondents/State.

4. Only grievance of the petitioner is that when his vehicle was intercepted, it was found that sand was being carrying in excess by 0.35 brass i.e. 1635 kg and therefore penalty of Rs.7,800/- was imposed. However, learned Tahasildar by order dated 21-06-2023 issued notice and asked even to deposit of Rs.2 lakhs for unauthorized use of vehicle. Panchanama shows that the petitioner was having license /permit to carry the sand. Only thing that sand was in excess as above stated.

5. This court finds that pending further proceeding certainly vehicle can be directed to be released on deposit of fine amount of Rs. 7,800/- plus 10% DMFi.e. 156 total Rs.7956/-. This order is subject to final order that would be passed by the authorities. Hence, the following order.

ORDER

a] The petition stands allowed in terms of prayer clause-C.

(3)

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b] Vehicle bearing No. MH-19-CY-7139 be released on deposit amount of Rs.7956/- on undertaking by the petitioner that if the order goes against him, he shall deposit amount as mentioned in column No. 8 of the notice dated 21-06-2023. An undertaking be filed within two weeks.

[KISHORE C. SANT, J.]

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