

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

WRIT PETITION NO. 9114 OF 2023

Nikhil Shashikant Kulkarni .. Petitioner
Versus
The State of Maharashtra and others .. Respondents
Mr. A. B. Kharosekar, Advocate for the Petitioner.
Mr. K. N. Lokhande, AGP for Respondent Nos. 1 to 5.

**AND
WRIT PETITION NO. 9282 OF 2023**

Parmeshwar Bhausaheb Gaikwad .. Petitioner
Versus
The State of Maharashtra and others .. Respondents
Mr. A. B. Kharosekar, Advocate for the Petitioner.
Mr. K. N. Lokhande, AGP for Respondent Nos. 1 to 5.

**AND
WRIT PETITION NO. 9283 OF 2023**

Ambadas Chabu Shelke .. Petitioner
Versus
The State of Maharashtra and others .. Respondents
Mr. A. B. Kharosekar, Advocate for the Petitioner.
Mr. K. N. Lokhande, AGP for Respondent Nos. 1 to 5.

**CORAM : KISHORE C. SANT, J.
DATED : 01st AUGUST, 2023.**

P. C. :-

. In all these petitions the petitioners are challenging the similar action of issuance of notice issued by the Tahsildar, Dharur, District

Beed dated 04.07.2023 wherein, the petitioners are directed to show cause as to why no action be taken under Sections 48 (7), 48 (8) (1) (2) and as per the circular of the State Government bearing No. 10/0316/pra.kra. 269/kha for illegal transportation of soil and further there are penalties to be imposed as below :

- (i) In Writ Petition No. 9114/2023 – Rs. 2,62,140/-
- (ii) In Writ Petition No. 9282/2023 – Rs. 2,57,084/-
- (iii) In Writ Petition No. 9283/2023 – Rs. 2,56,445/-

2. The submission of learned advocate for the petitioners is that, the proceeding may take some time. Their vehicles are seized on 04.07.2023. The petitioners are ready to face the proceedings, however, retaining the vehicles will serve no purpose. The petitioners are ready to deposit 50% of the amount of penalty for release of vehicles. They are also ready to abide by the order that would be passed by the Tahsildar after the enquiry.

3. Learned A.G.P. opposes the petitions stating that the action is rightly taken by the Tahsildar. This is only a notice which cannot be challenged in the writ petition. As of now there is no decision given/order passed by the Tahsildar. The petitions are thus premature.

4. Learned advocate for the petitioners submits that, the petitioners are restricting their prayer only to the extent of release of vehicles on

depositing certain amount.

5. Considering this position, this Court finds that, keeping the vehicles is not in interest of anyone. It would be proper to direct the release of vehicles on depositing of 50% of the amount as proposed in the said notices. The petitioners shall file undertaking to the authorities incorporating the condition that they will not use the said vehicles for any similar activity in future illegally. If the decision goes against them, they shall deposit the amount within a period of two (02) weeks from the date of decision unless there is stay by the superior authorities. They shall produce the vehicles as and when required for any purpose of the direction of the Tahsildar and other such similar conditions. The petitioners are at liberty to file application.

6. The petitioners to deposit 50% of the amount within a period of one (01) week from today. The authorities to release the vehicles within a period of three (03) days from the date of depositing of the amount and verifying the papers in respect of vehicles and on taking undertaking.

7. With this, all the writ petitions stand disposed off.

(KISHORE C. SANT, J.)

P.S.B.