

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

912 WRIT PETITION NO.10259 OF 2023

DILIP GONDALAL PARDESI

VERSUS

**1. THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY REVENUE AND FOREST MINISTRY, MUMBAI – 32**

2. THE TAHSILDAR, TQ. & DIST. – NANDURBAR

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Advocate for Petitioner:

Mr. Deshmukh Bhausahab Sadashivrao

AGP for Respondent/State: Mr. K. B. Jadhavar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 23rd AUGUST, 2023

PER COURT:

1. Heard.

2. The petitioner is being issued with notice dated 21.06.2023 for carrying excess sand in the truck bearing no. MH-18-BC-6554 for Rs.5,00,376/-. The vehicle of the petitioner is impounded by the authorities. The learned counsel submits that no purpose would be served by detaining the vehicle and he would deposit 50% of the amount in the impugned notice and he would contest the proceedings before the concerned authority and that his vehicle be released on

deposit of 50% of the impugned notice amount. The learned counsel for the petitioner further submits that the vehicle has never been detained or found in default for use of illegal sand transportation.

3. In view of the submissions made, as it would serve no purpose by detaining the vehicle, the petitioner is permitted to deposit 50% of the impugned notice amount with the concerned authorities and on deposit of 50% of the impugned notice amount being deposited the vehicle bearing no. MH-18-BC-6554 be released on such terms and conditions which the authority may deem fit.

4. The learned counsel points out order dated 24.07.2023, passed in Writ Petition No.8790 of 2023, wherein similar orders have been passed. All contentions of the parties are left open before the authorities.

5. The learned counsel for the petitioner contends that the petitioner would apply to the authority. He submits that the proceedings be

concluded as expeditiously as possible. In the event the proceedings are initiated by the Tahsildar to be concluded within a period of four (04) months from the receipt of the order.

6. The undertaking to also include the clause that in the event the petitioner loses the matter and does not pay the balance amount within a period of four (04) weeks from the date of the order and that he would return the vehicle back to the authorities and the same would also be subject to any interim appellate courts order.

7. The writ petition is disposed of accordingly.

[ARUN R. PEDNEKER, J.]

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