

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 WRIT PETITION NO.10934 OF 2023

RITESH RAJENDRA NAGRUT
VERSUS
THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY AND
ANOTHER

...
Advocate for Petitioner : A. M. Pawar
AGP for Respondents-State : Mr. N. T. Bhagat

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 04/09/2023

PER COURT :

Heard the learned Advocate Mr. A. M. Pawar for the petitioner and learned AGP Mr. N. T. Bhagat for respondents-State.

2. The learned Advocate for the petitioner submits that the Truck bearing No.MH-19 CY-3066 of the petitioner has been found while carrying the minor mineral and the penalty of Rs.45,770/- is imposed for carrying minor mineral. The Tahsildar has also indicated in the order that Rs.2,00,000/- to be paid towards a wrongful use of the vehicle, however this Court by its earlier orders in similar matters has held that the Tahsildar has no jurisdiction to pass an order of imposing penalty on vehicle and only the Sub-Divisional Officer has such a power to impose penalty.

3. The learned Advocate for the petitioner submits that he would

file an appeal before the Appellate Authority, however the vehicle is impounded on 17/08/2023 and still lying in custody, he submits that vehicle be released on payment of the entire penalty amount as imposed by the Tahsildar.

4. The learned Advocate for the petitioner also submits that the vehicle has never been earlier found while wrongfully carrying minor mineral.

5. On appeal being filed by the petitioner and production of receipt before the Appellate Authority of the deposit of Rs.45770/-, the vehicle of the petitioner be released on such terms and conditions that the Appellate Authority may deem fit. However, it is clarified that in the event the petitioner fails in the appeal, the petitioner /appellant would also undertake to the Appellate Authority that he would surrender the vehicle within a period of two weeks from the date of the order of the Appellate Authority, subject to any order passed by superior authority.

6. With the above observation, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.