

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

WRIT PETITION NO.13092 OF 2023

**KRUSHNA PANDHARINATH SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND ANOTHER**

**AND
WRIT PETITION NO.13105 OF 2023**

**KIRAN MANOHAR RAGHUVANSHI
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND ANOTHER**

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Mr. B. S. Deshmukh, Advocate for Petitioners
Mr. P. K. Lakhotiya, AGP for Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 20.10.2023.

PER COURT :-

1. The Petitioner in Writ Petition No. 13092 of 2023 has put forth prayer clauses [B] and [C] as under:-

“[B] The Hon’ble High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, direction or order, thereby direct the respondent authority to recalibrate the sand separately present in the vehicle no. MH-20-EK-9250 as requested by petitioner vide its

representation dtd. 05/10/2023 and further be directed that, if the weight of sand is found upto permissible limit, then the respondent authority shall release the vehicle immediately by recalling the impugned show cause notice issued by respondent no.2 dtd. 26/09/2023 and consequential order, if any passed in furtherance.

[C] Pending hearing and final disposal of Writ Petition by way of interim order the vehicle bearing no. MH-20-EK-9250 may kindly be released in the interest of justice.”

2. The Petitioner in Writ Petition No. 13105 of 2023 has put forth prayer clauses [B] and [C] as under:-

“[B] The Hon’ble High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, direction or order, thereby direct the respondent authority to re-calibrate the sand separately present in the vehicle no. MH-39-AD-9986 as requested by petitioner and further be directed that, if the weight of sand is found up to permissible limit, then the respondent authority shall release the vehicle immediately by recalling the impugned show cause notice issued by respondent no.2 dtd. 03/09/2023 and consequential order, if any passed in furtherance.

[C] Pending hearing and final disposal of Writ Petition by way of interim order the vehicle bearing no. MH-39-AD-9986 may kindly be released in the interest of justice.”

3. Considering the several orders passed by this Court in identical matters, **these petitions are disposed off.**

4. The Sub Divisional officer would carry out the recalibration of the concerned vehicle. If a specific request is made by

the Petitioner placing reliance of the Government Resolution dated 14.06.2017, the Sub Divisional Officer is at liberty to pass appropriate orders. It be noted that we have not expressed any opinion.

5. In the event, after he arrives at a decision, consequential orders be passed.

6. If any expenses are required to be incurred, if the request of the Petitioners under the said Government Resolution is accepted, the Petitioners agree to pay the said amounts.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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