

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.14256 OF 2023

KIRAN VILAS GAIKWAD  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL  
SECRETARY AND ANOTHER

...  
Advocate for the Petitioner : Shri Bhausaheb S. Deshmukh  
AGP for Respondents 1 and 2/State : Shri P.K. Lakhotiya  
...

CORAM : RAVINDRA V. GHUGE  
&  
Y. G. KHOBRAGADE, JJ.

DATE :- 08<sup>th</sup> November, 2023

**Per Court :-**

1. In this case, though the final order has been passed, the Petitioner disputes the weight of the vehicle.
2. The learned AGP, therefore, submits that this Court may direct the re-calibration.
3. The Petitioner has put forth prayer clause B 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 No.2 to re-calibrate of vehicle no.MH-15-GV-6399 as requested by petitioner and further be directed that, if the weight found up to permissible limit, then the*

*respondent no.2 shall release the vehicle immediately by recalling the impugned show cause notice issued by respondent no.2 dtd. 03.10.2023 and consequential order.”*

4. In view of the above, **this Writ Petition is disposed off.** The Tahasildar would carryout the re-calibration of the vehicle No.MH-15-GV-6399 within a period of 10 days from today.

5. Needless to state, if the weight of the vehicle is within the permissible limits, the Petitioner would be at liberty to initiate appropriate proceedings before the Collector for challenging the order of the Sub Divisional Magistrate and for release of the vehicle. We expect the Collector to deal with the matter expeditiously and preferably within 15 days, after the filing of the proceeding.

*kps*

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)