

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.14251 OF 2023

VISHAL DASHRATH SONAWANE
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 :- 08th November, 2023

Per Court :-

1. 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-41-BE-9143 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. 18.07.2023 and consequential order..”*

2. The learned AGP submits, on instructions, that the

final order has already been passed and at this stage, this Court ought not to interject. A statutory remedy is available to the Petitioner. He submits that in this case, there is no dispute about the weight of the sand and the vehicle.

3. The learned Advocate for the Petitioner submits that he would avail of a statutory remedy and would also file an application to the said Authority to consider the request for re-calibration. He prays for an early decision on that application.

4. In view of the above, **this Writ Petition is disposed off** with liberty to avail of a statutory remedy. If an application is filed by the Petitioner seeking re-calibration, the same may be considered on its own merits and preferably within a period of 10 days.

kps (Y. G. KHOBRAGADE, J.) (RAVINDRA V. GHUGE, J.)