

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 921 OF 2023

Krushna Chabu Gambhire and Ors.

...Petitioners

Vs.

The State of Maharashtra
Ministry Forest and Revenue
Dept and Ors.

...Respondents

Mr.Bhausahab Deshmukh a/w. Mr. Anshuman Deshmukh,
for the Petitioners.

Mrs. M.S. Bane- AGP for the Respondent Nos. 1 to 3.

**CORAM:- R.D. DHANUKA &
GAURI GODSE, JJ.**

DATE :- 6 APRIL, 2023

P. C.:

1. Matter is on board. Mentioned out of turn by the learned counsel for the Petitioners after giving notice to the Respondents.

2. Rule. Learned AGP waives service on behalf of Respondent Nos. 1 to 3. Rule is made returnable forthwith. Writ Petition is taken up for final disposal.

3. This Petition is filed for challenging the show cause notice dated 10 January, 2023 issued by Respondent No.3. Learned AGP states that during the pendency of the Petition,

the show cause notice is already decided and she has placed on record the order passed on 23 March, 2023.

4. Learned counsel for the Petitioners, on instructions, states that within a period of 15 days from today, the Petitioners will file an appeal for challenging the order dated 23 March, 2023 and shall also deposit 50% of amount of penalty proposed by the said order before the Appellate Authority. Statement is accepted.

5. In view of the said statement made on behalf of the Petitioners, the Petition can be disposed of by passing the following order:

ORDER

(i) Petitioners shall file an appeal within a period of 15 days from today and shall also deposit 50% amount of penalty as imposed by order dated 23 March, 2023.

(ii) Upon tendering the amount, without prejudice to the rights and contentions of the Petitioners, Respondent No.2 shall accept the said amount also without prejudice to the rights and contentions and shall release the vehicle described in panchnama

dated 7 January, 2023, annexed at Exhibit 'E' to the Petition, within 48 hours on the date of Petitioners depositing the said amount.

(iii) Subject to the Petitioners complying with the aforesaid direction, the order dated 23 March, 2023 shall not be implemented for a period of 15 days from today.

(iv) Petitioners will be at liberty to take out an appropriate application for necessary appeal that would be filed before the Competent Authority.

(v) In the event, the Petitioners fails to deposit 50% amount of penalty as per the order dated 23 March, 2023, the present order shall stand vacated and Respondents are at liberty to implement the order dated 23 March, 2023.

(vi) Parties to act on the authenticated copy of the order.

(GAURI GODSE, J.)

(R.D.DHANUKA, J.)