

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1486/2023

Alhasan Syaid Arif Asi Sayaid

...Versus...

State of Maharashtra, through its Secretary, Revenue and Forest Department,
Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Ingole, Advocate for petitioner
Ms Tajwar Khan, AGP for respondents/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/03/2023

1. Heard Shri A.R. Ingole, learned counsel for the petitioner.
2. The challenge regarding illegal transportation of sand has already been given up in the earlier round of litigation in Writ Petition No.401/2022 decided on 21/03/2022, as reflected from para 5 and 6 thereof (pg.23 and 24). The matter was remanded back to the authorities for imposition of a penalty under Section 48 (8) of the Maharashtra Land Revenue Code upon the vehicle. Since the challenge to the illegal transpiration of sand has been given up, the same cannot now be permitted to be raised as regards the vehicle. The learned

Sub Divisional Officer by the impugned order dated 22/04/2022 (pg.26) has imposed penalty of Rs.1,00,000/ upon the vehicle for illegally transporting the sand, which in light of what has been said in Writ Petition No.401/2022 cannot be gone into. The impugned order, however, insofar as it imposes a penalty of Rs.15,400/- for illegal transportation of sand will have to be quashed and set aside, as in the earlier round of litigation, the penalty imposed upon the illegal transportation of sand has already been sustained and therefore, on this count, there cannot be again an imposition of penalty for illegal transportation of sand.

3. The writ petition is therefore partly allowed. The impugned order dated 22/04/2022 insofar as it imposes penalty of Rs.15,400/- for illegal transportation of sand, is quashed and set aside. Rest of the order is maintained.

4. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar