



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

WRIT PETITION NO. 2868 OF 2023

Ashok Kumar s/o Bhagirath Mal Saini **VS.** State of Maharashtra and others

Office Notes, Office Memorandum of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.R.Ingole, Advocate for the petitioner.
Mr. C.A.Lokhande, Advocate for respondents.

CORAM : AVINASH G. GHAROTE J.

DATED : 20th DECEMBER 2023

The petition challenges the order date 26/04/2023 by which a penalty has been imposed upon the JCB.

2. It is contended that the report dated 26/04/2023 issued by the Naib Tahsildar, at the request of Sub-Divisional Officer indicates that there was no illegal excavation.

3. The impugned order, however, does not consider this report at all, in that view of the matter, the same is quashed and set aside.

4. The matter is remitted back to the learned Sub-Divisional Officer to pass fresh order after considering the report dated 26/04/2023. The petitioner shall appear before the Sub-Divisional Officer on 26/12/2023 at 12.00 noon.

JUDGE