



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

WRIT PETITION NO.5747 OF 2023

Shukrachari Gulab Ishwarkar .Vs. The Sub-Divisional Officer, Tumsar, Dist.
Bhandara and another

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

Court's or Judge's Order

Shri A.R. Ingole, Advocate for petitioner.

Shri N.R. Patil, A.G.P. for respondents/State.

CORAM : ANIL S. KILOR, J.

DATED : 27/09/2023

1. Heard.

2. The order dated 19.07.2023 passed by the Tahsildar imposing penalty for illegal transportation of minor minerals and order dated 17.08.2023 passed by the Sub-Divisional Officer imposing penalty on the truck used for such illegal transportation, are under challenge in the present writ petition.

3. The only ground raised by the petitioner is that, in the impugned order the Tahsildar observed that the petitioner was not possessing the transit passes, whereas, he was holding the transit passes.

4. It is further submitted that, despite the fact that, the transit passes were submitted a contrary

observation was made by the Tahsildar that no transit passes were submitted.

5. It appears that, despite the fact that, the transit passes were submitted by the petitioner, the Tahsildar in his order has observed that, the petitioner is not possessing the transit passes. In the circumstances, I am of the opinion that, the matter needs to be remanded back to the Tahsildar to decide the same afresh after considering the transit passes. Accordingly, I pass the following order:

- i) The writ petition is **partly allowed**.
- ii) The order dated 17.08.2023 passed by the Sub-Divisional Officer in Rev. Case No.6/MNL-37/2022-2023 and order dated 19.07.2023 passed by the Tahsildar in Rev. Case No.170/MNL-37/2022-2023, are hereby quashed and set aside.
- iii) The matter is remanded back to the Tahsildar to decide the same afresh after hearing the petitioner and after considering the transit passes produced by the petitioner along with this writ petition.
- iv) All the points are kept open.

- v) The Tahsildar shall take the decision before one month from today.

Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE

C.L.Dhakate