



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

Writ Petition (WP) No. 6605 of 2022

Virendra Eknath Telmasare

Versus

State of Maharashtra, through its Secretary, Revenue and Forest
Department, Mantralya, Mumbai-32 and others

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

Court's or Judge's Order

Shri Raju Kadu, Advocate for the petitioner.

Ms. H.N.Jaipurkar, AGP for the respondents/State.

CORAM : ANIL S. KILOR, J.

DATED : 3rd OCTOBER, 2023.

Heard.

2. The order dated 10th August, 2022 passed by the Tehsildar, Paoni, Dist. Bhandara imposing penalty of Rs.18,100/- towards illegal transportation of minor mineral is under challenge in this petition. The petitioner has challenged the above referred order only on the ground that before passing such order, no notice was served on the petitioner or no opportunity of hearing was granted to the petitioner.

3. Learned Assistant Government Pleader is not in a position to point out from the record or from the reply that the notice was served upon the petitioner and the petitioner was heard before passing the impugned order dated 10th August, 2022.

4. Thus, in absence of any such evidence to point out that the notice was served upon the petitioner before passing the impugned order, I am of the opinion that matter needs to be remanded back to the Tehsildar to decide the same afresh after giving an opportunity to the petitioner of being heard. Accordingly, I pass the following order.

- i. Writ petition is partly allowed;
- ii. The order dated 10th August, 2022 passed by the respondent no.4-Tehsildar, Paoni, District Bhandara is hereby quashed and set aside;
- iii. The petitioner shall attend the office of Tehsildar, Paoni, District Bhandara on **17th October, 2023** at 11 a.m.
- iv. The Tehsildar, Paoni, District Bhandara shall decide the matter within three weeks from the date of appearance of the petitioner.

[ANIL S. KILOR, J.]