

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

WRIT PETITION NO. 1005 OF 2023

Anusurya Hamantu Nerwatla __ Vs. __ The State of Maharashtra and ors

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

Court's or Judge's orders

Mr. M.V.Samarth, Senior Advocate assisted by Mr. C.M.Samarth, Advocate
for the petitioner
Ms. Hemlata Jaipur, AGP for Respondent Nos. 1 and 2

CORAM : AVINASH G. GHAROTE, J.
DATE : 13/02/2023

1] Heard Mr. Dhawas, learned counsel for the petitioner.

2] The petition challenges the order dated 30.12.2021 passed by the Respondent no.2, whereby the JCB vehicle belonging to the petitioner having been found illegally excavating sand from the river bed of Irayee river has been imposed a penalty of Rs. 7,50,000/- (pg. 15).

3] Mr.Dhawas, learned counsel for the petitioner submits that the allegations are untrue and therefore the impugned order needs to be quashed and set aside.

4] Mr. Dhawas, learned counsel for the petitioner does not dispute that at the relevant time the vehicle was not in custody of the petitioner but was given on hire to someone else and therefore, the petitioner was not personally present when the vehicle was seized,

(2)

16wp1005.23

considering which the contention which is sought to be raised regarding the falsity of the action for which penalty has been imposed, is clearly not made out, in view of which I am not inclined to interfere in the impugned order.

5] The petition is dismissed. No costs.

JUDGE

Rvjalit