



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

WRIT PETITION NO. 7219 OF 2023

(Atul s/o Laxman Deshmukh vs. Sub Divisional Officer and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and the Registrar's orders.*

Court's or Judge's order

Shri A.R.Ingole, Advocate for the Petitioner.
Shri A.M.Deshpande, in charge GP for respondents Nos.1 to 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : DECEMBER 12, 2023

Heard.

2) Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle bearing Truck No.MH-40-BL-2332 and the same was used for the business of transportation of the sand. During the period from 01/05/2023 to 16/06/2023, the petitioner transported various materials with a valid transit pass and lawful source. However, after 60 days of the transportation, respondent No.2 – Tahsildar issued an impugned notice dated 01/09/2023, without stating any reasons therein. Therefore, the said notice is illegal and hence challenged in the present writ petition.

3) It is also contended that Section 48(7) of the Maharashtra Land Revenue Code, does not prescribe any penalty for GPS tracking reports and therefore, the said notice is illegal and bad-in-law.

4) However, on a query by the Court, he failed to point out from the said provision and failed to satisfy how the said notice is illegal and bad-in-law. In fact, said provision does not contemplate the specific period for issuance of the notice.

5) Per contra, Shri Deshpande, learned in-charge Government Pleader resisted the petition contending that the matter is sub-judice before the respondent No.2 Tahsildar, Bhandara, as well as the issuance of notice is just and legal, therefore, he supported the passing of the impugned notice.

6) Having considered the same, we deem it appropriate to direct respondent No.2 – Tahsildar to consider the contention of the petitioner/explanation given by him and pass the appropriate order according to the law, as expeditiously as possible.

7) In view of the same, the writ petition is disposed of. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)