



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 7883 OF 2024**

PRASHANT DILIP PATIL
VERSUS
THE SUB DIVISIONAL OFFICE AND ANOTHER

...

Mr. Narendra D. Sonavane, Advocate for the Petitioner.

Mr. A. S. Shinde, AGP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 30th JULY, 2024.**

P.C.:-

1. The petitioner seeks to challenge show cause notice dated 13.12.2023 issued by the Sub Division Officer, Jalgaon proposing penalty of Rs.6,45,770/- against the petitioner.

2. Mr. Sonavane, learned Advocate appearing for the petitioner points out that earlier petitioner was served with show cause notice dated 07.07.2023 by Tahsildar, Jamner for proposed penalty of Rs.2,00,000/- for use of vehicle and Rs.55,713/- towards illegal transportation of sand and Rs.1500/- towards royalty. The said notice was assailed before this Court in Writ Petition No.9277/2023. This Court after finding that Tahsildar has no jurisdiction to impose penalty as regards to the vehicle, directed release of vehicle on deposit of amount of Rs.55,213/- on undertaking that in case Sub Division Officer takes further action, the release of vehicle shall be subject to such order. Accordingly, vehicle of the petitioner was released.

3. Now the petitioner has been served with impugned show cause notice dated 13.12.2023 by the Sub Divisional Officer, Jalgaon, wherein penalty is proposed for two independent default. First default which was covered in earlier notice of the Tahsildar and second default under notice dated 24.01.2024.

4. Mr. Sonavane points out that he has already submitted detailed reply to the show cause notice. However, no further orders are passed till this date. Mr. Sonavane would further submit that the petitioner may be granted leave to file application for release of vehicle and learned Sub Divisional Officer be directed to consider the same.

5. In view of that submission, writ petition can be disposed of with following directions.

ORDER

- a. Writ Petition is partly allowed.
- b. The petitioner shall be at liberty to file application seeking release of vehicle before the Sub Divisional Officer, Jalgaon in pending proceeding initiated vide show cause notice dated 13.12.2023.
- c. The learned Sub Divisional Officer after considering the defence of the petitioner, shall pass appropriate orders for release of vehicle pending consideration of proceeding under show cause notice dated 13.12.2024.
- d. The Sub Divisional Officer thereafter shall consider and decide further course of action in terms of show cause notice dated 13.12.2023 having due regard to reply submitted by petitioner within a period of six weeks from the date of this order.
- e. Writ Petition is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE