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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5272 OF 2024

VISHWANATH SHIVAJI BHOIR

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND
OTHERS

.....Respondent

.....
Advocate for the Petitioner : Mr. More Abhijit S.
AGP for Respondents: Mr. V.M. Jaware.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 11TH JUNE, 2024.

ORDER :-

The prayer of the petitioner for recalibration has been refused vide order dated 20.05.2024 by respondent No.2 – Authority, that was made through Interim Application in R.T.S. Appeal No. 33 of 2024.

2. This Court has been routinely passing orders directing Authorities to recalibrate the vehicle if the proceedings are pending. If the proceedings before the first authority culminate into a final order and an RTS Appeal is to be filed, we grant liberty to such litigants to prefer an Application seeking recalibration alongwith RTS Appeal. It is in the light of this position that the Petitioner moved an Interim Application for recalibration.

3. In view of the above, this Writ Petition is partly allowed. The order dated 20.05.2024 to the extent of refusing recalibration, is set aside. Respondent No.2 is directed to reconsider the request for recalibration and grant the same, so as to recalibrate the vehicle within a period of 15 days from today and if the weight is within permissible limits, the vehicle may be released subject to imposition of such conditions, as the concerned Authority would deem appropriate.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-