



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

927 WRIT PETITION NO. 7863 OF 2024

ASHPAK YUSUF SHAIKH

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

....

Mr Sonkawade Amarsinha Dharmaraj, Advocate for Petitioner
Mr N. S. Tekale, A.G.P. for Respondents/State

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 30th July, 2024

PER COURT:

1. The Petitioner has put forth prayer clauses (B) and (C), which read as under :-

B. Issue a writ of certiorari or writ in the like nature and quash and set-aside the show cause notice dated 8.07.2024 issued by Additional Collector, Nandurbar, Taluka and District Nandurbar.

C. Issue a writ of mandamus or writ in the like nature directing the respondents to re-calibrate vehicle No. MH20GP4786 as requested by the petitioner vide his representation dated 9.07.2024 and further be directed that if the weight found up to permissible limit, then the respondent authority shall releases the vehicle immediately by recalling the show cause notice of penalty issued by the respondent No.2 dated 8.07.2024.”

(2)

2. We are not considering prayer clause (B), since proceedings are pending before the concerned Authority.

3. We are considering prayer clause (C) since a final order has not been passed in the pending proceedings. Had the final order been passed, we would have relegated the Petitioner to the Higher Authority, before whom the Application for recalibration could have been made.

4. Considering the above and several orders passed by this Court in similar matters, **this Writ Petition is disposed off.** Let the concerned Additional Collector, Nandurbar, carry out the recalibration of the concerned vehicle, on 12/08/2024 upto 5:00 p.m.. Needless to state, if the weight of the vehicle is within the permissible limit, the said vehicle will be released by following the due procedure laid down in law and on such conditions as are normally imposed.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk