



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

**WRIT PETITION NO.7935 OF 2024
(Board dt.30.07.2024)**

**RAFIQ BANA SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Shri A.M. Reddy, Advocate i/by Shri B.S. Deshmukh, Advocate
for the Petitioner.

Shri A.B. Girase, Government Pleader, for Respondent Nos.1 and
2/State.

...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 01st August, 2024

Per Court :-

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

B) The Hon'ble High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, direction or order, thereby direct the respondent No.2 to recalibrate of vehicles no. MH-20-GC-6969 as requested by petitioner and further be directed that, if the weight found up to permissible limit, then the respondent no.2 shall release the vehicle immediately by recalling the impugned show cause notice issued by respondent no.2 dtd. 16/07/2024 and consequential order, if any passed in furtherance.

C) Pending, hearing and final disposal of Writ Petition by way of Interim order the vehicle bearing no MH-20-GC-6969 may kindly be released in the interest of justice.”

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

3. We are considering prayer clause (C) since the 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 the 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 14/08/2024 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 by imposing such conditions, as are normally imposed.