



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 8614 OF 2024

Rais Shaikh Yunus Shaikh

....Petitioner

VERSUS

The State of Maharashtra & others

.....Respondents

Mr. A. S. More, Advocate for the Petitioner.
Adv. R. R. Tandale, AGP for the State.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14th AUGUST, 2024.

PER COURT :

1. Heard learned counsel appearing for respective parties.
2. Petitioner impugns order dated 05.08.2024 passed by Respondent No. 2 – Additional Collector, Nandurbar, in RTS Appeal No. 41/2024 by which the application for recalibration of the vehicle came to be rejected.
3. Learned counsel for Petitioner invites attention of this Court to the conclusion part of the impugned order and submits that

the request for recalibration has been rejected merely on the ground that there is no provision under the MLR Code for recalibration of the vehicle. He invites attention of this Court to the order passed by Division Bench of this Court in case of Harshvardhan Ajay Suryawanshi vs. The State of Maharashtra Through Collector and Another (Writ Petition No. 3027/2024, dated 19.03.2024) as well as order passed by this Court in case of Pashu Guljar Shaikh vs. State of Maharashtra through Collector and Another (Writ Petition No. 5014/2024 dated 11.06.2024). In that view of the matter, the impugned order cannot sustain.

4. This Court has routinely passed the orders directing the authorities to recalibrate the vehicle if the proceedings are pending. In this case, admittedly, appeal is pending before the Sub-Divisional Officer. The vehicle is in possession of the authority. In that view of the matter, there shall be no impediment to permit recalibration of the vehicle. Consequently, impugned order is quashed and set aside. Respondent No. 3 is directed to permit recalibration of the vehicle within a period of 15 days from today. If the weight is within permissible limit, the vehicle may be released subject to imposition of such condition as the concerned authority would deem it

appropriate. Writ Petition stands disposed of in aforesaid terms.

(S. G. CHAPALGAONKAR)
Judge

dyb