

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5061 OF 2024

Arun Pandurang Adhikari

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Ms.Neeta Karnik, Advocate for the Petitioner.

Ms.Dhruti Kapadia, AGP for State/Respondent.

Mr.Narendra Mane, Naib Tahsildar, is present in Court.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE : APRIL 18, 2024

P. C.

1. The above Writ Petition is filed seeking a declaration that Respondent No.5 had no authority in law to impose penalty upon Petitioner's seized vehicle number MH 15 EG 4721. The vehicle of the Petitioner was seized because it was found transporting minor minerals without a transit pass which is mandatory. It is for this reason the Petitioner received a show cause notice from Respondent No.5 to pay a penalty of Rs.64,800/-, Rs.2,00,000/- for the vehicle seized, and a sum of Rs.2,400/-, aggregating to a total amount of Rs.2,67,200/-.

2. The Petitioner replied to the show cause notice *inter alia* submitting that all permissions and receipts are obtained and also pointed out that the vehicle needs to be produced before the Collector who has the powers to decide penalty. However, Respondent No.5 passed an order dated 25th July, 2023 calling upon the Petitioner to deposit the sum of Rs.2,20,600/- within 8 days. Being aggrieved by this order, the Petitioner filed Appeal No.07 of 2023 before Respondent No.4. Respondent No.4 rejected the Petitioner's Appeal and upheld the order passed by Respondent No.5, and further directed the Petitioner to deposit the remaining penalty amount of Rs.1,73,100/-. This is because 25% of the penalty amount, namely, Rs.57,500/- was already deposited at the time of filing the said Appeal.

3. Being aggrieved by the order passed by Respondent No.4, the Petitioner filed RTS Appeal No.137 of 2023 before Respondent No.3. This was also dismissed. Thereafter, the Petitioner filed RTS Revision No.08 of 2024 before Respondent No.2. That Revision Application was partly allowed setting aside the orders passed by Respondent Nos.3, 4 and 5 and the matter was remanded back to Respondent No.5 for a rehearing. The Petitioner was aggrieved even by this order. He, therefore, preferred a RTS Revision along with a stay application before

Respondent No.1. That revision before Respondent No.1 is pending and has not been heard because the concerned authority is busy with election duty.

4. Considering these facts, we dispose of the above Writ Petition by directing Respondent No.1 to hear the above revision filed by the Petitioner as expeditiously as possible and in any event on or before 30th July, 2024.

5. It is needless to clarify that during the pendency of the revision before Respondent No.1, if the entire penalty amount is deposited with Respondent No.5, he shall forthwith release the vehicle that is seized, and which forms the subject matter of the present petition.

6. The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]

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