



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3776 of 2024

Abhijeet s/o Baijanath Kesarwani

vs.

The Additional Collector, Amravati and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.R.Ingole, Advocate for petitioner.

Mr. A. M. Kadukar, Assistant Government Pleader for respondent nos.1 to 5.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 9th JULY, 2024

P C.

Heard.

2. A challenge in this petition is to the order dated 11.06.2024 passed by the respondent no.3-Tahsildar, Nandgaon Khandeshwar whereby the vehicle of the petitioner was seized for not producing the royalty pass.

3. The respondent no.3 has conceded that such order was passed without hearing the petitioner. However, Mr. Kadukar, learned Assistant Government Pleader submits that the petitioner has not approached this Court with clean hands as the Sub Divisional Officer, Wardha has released the vehicle of the petitioner on 07.06.2024 as could be inferred from the Station Dairy entries.

4. Apart from above, he has claimed that the petitioner thereafter has used the vehicle for transportation of sand and seizure by the respondent no.3-Tahsildar Nandgaon Khandeshwar, cannot be termed to be in continuation to the act of release of the vehicle by the Sub-Divisional Officer, Wardha.

5. Be that as it may, we deem it appropriate to quash the order impugned in view of the admitted position on record that the

petitioner was not heard before passing the order impugned dated 11.06.2024.

6. That being so, the order impugned dated 11.06.2024 is hereby quashed and set aside. The petitioner agrees that he shall be appearing before the respondent no.3-Tahsildar, Nandgaon Khandeshwar, on **12.07.2024**. The said Authority to pass a fresh order after hearing the petitioner.

7. We also permit the respondent to furnish GPS location of the vehicle of the petitioner.

8. With these directions, the writ petition stands disposed of. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.