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40-WP-5838-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO. 5838 OF 2025

Deepak Vasantryao Shinde

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

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Mr. S. B. Deshpande, Senior Advocate i/by Mr. Prasad Devidas Jarare,
Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 5th MAY 2025

PC :-

1. Heard Mr. Deshpande, learned Senior Advocate appearing for petitioner and Mr. Jadhavar, the learned AGP appearing for Respondent Nos. 1 to 4.

2. It is the case of the petitioner that he owns a land Gut No.157 where he is running his own stone crusher. Some complaints were filed in respect of stone crusher in land Gut No.156. The petitioner is not concerned with the said land. The measurement etc. was carried in respect of the stone crusher in Gut No.156. However, while giving

communication, for the first time, on 18th February 2025, the petitioner is directed to pay the amount of Rs. 1,48,91,874.85/- + five times fine. Thus, the total amount directed is Rs.8,93,51,249.07 paisa. The learned Senior Advocate thus submits that this action is without following any proper procedure and prays for setting aside the order.

3. The learned AGP, on the other hand, submits that the communication dated 18th February 2025 clearly shows that, it is only a show cause notice and not a final order. Looking to the wording of communication dated 18th February 2025, it does not show that it is a notice. Opening line also shows that it is a notice intimating that the petitioner has excavated stone illegally and had sold the same. The last line also shows that it is a notice being served. However, other wording would show that it is the order imposing penalty. Be that as it may, this Court finds that proper opportunity ought to have been given to the petitioner considering the glaring facts of this case.

4. In view of the same, this Court feels that the petition can be conveniently disposed off by directing the petitioner to submit reply to the communication dated 18th February 2025 within a period of eight

days from today.

5. The authority is free to take action only thereafter by following proper procedure.

6. With this, writ petition stands disposed off.

[KISHORE C. SANT, J.]