



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5635 OF 2025

Himanshu Vikas Patil

VERSUS

The State Of Maharashtra Through Collector And Others

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Advocate for the Petitioner : Mr. V.A. Bagal Patil h/f A.S. More
AGP for Respondents: Mr. D R Korade

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 09, 2025

PER COURT :-

1. The petitioner impugns the order dated 21.4.2025 passed by respondent no.2 Additional Collector, Dhule in RTS appeal no.22 of 2025, thereby rejecting interim application filed by petitioner for recalibration of the vehicle.

2. The petitioner is owner of truck bearing registration no.GJ-19/U-8804. It was being used to transport the sand from Gujarat to Maharashtra via Nandurbar. On 28.3.2025 officers of respondent no.4 intercepted vehicle and alleged that the vehicle was carrying excess sand by 485 kgs. Accordingly, petitioner was served with show cause notice for imposing fine of Rs.4,72,783/-. The petitioner, in reply to the said notice, requested to recalibrate vehicle so as to ascertain the correct load, however, his request was not considered,

eventually, order imposing penalty of Rs.3,11,384/- is passed by respondent no.3. Aggrieved petitioner filed appeal before respondent no.2. During pendency of said appeal, petitioner filed an application seeking order for recalibration of the vehicle. However, same has been rejected by impugned order.

3. It can be observed that petitioner's vehicle was intercepted on or about 28.3.2025 and he was served with a notice dated 2.4.2025 indicating that vehicle was carrying excess load of 485 kgs. On the same day, petitioner had submitted reply seeking recalibration of the vehicle, however, his request was not considered and penalty was imposed. Therefore, in appeal petitioner reiterated his request for recalibration of the vehicle.

4. This Court in catena of matters issued directions for recalibrating the vehicle when request to that effect is made within reasonable period.

5. In present case, petitioner had made request immediately after receipt of show cause notice and the same has not been considered by Respondent Authorities. The Division Bench of this Court in case of **Karan Chhaganlal Jain Vs. State of Maharashtra in Writ Petition no.14257 of 2023**

decided on 9.11.2023 observed that State Government shall frame appropriate rules as regards to recalibration of the vehicle. However, such rules are not yet framed. In that view of the matter, taking note of consistent view taken by this Court, it would be appropriate to partly allow the writ petition. Hence order.

O R D E R

- i. Writ Petition is **partly allowed**.
- ii. The impugned order is quashed and set aside.
- iii. Respondent no.3 Sub Divisional Officer is directed to permit recalibration of vehicle of the petitioner within a period of 15 days from today. If weight is within permissible limit, the vehicle shall be forthwith released, subject to imposition of such conditions as the concerned authority would deem it appropriate.
- iv. Writ Petition stands **disposed off**. No costs.

(S. G. CHAPALGAONKAR, J.)

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aaa/-