



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

Writ Petition No.4212/2025

Purushottam V Sub-Divisional Officer, Washim and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. Dhore, Advocate for petitioner.
Mr. Autkar, AGP for respondent nos. 1 to 3.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 11-08-2025.

Heard Mr. Dhore, learned Counsel for the petitioner.

2. Petitioner has challenged order dated 15-05-2024 passed by the Tahsildar, Malegaon, by which penalty of Rs.1,99,225/- is imposed upon the petitioner on account of alleged illegal transportation of 6.13 brass sand.

3. Issue notice to the respondents. Learned AGP waives service of notice on behalf of the respondents.

4. Amongst other contentions learned Counsel for the petitioner submits that, the impugned order is passed without considering the crucial aspects about the document of Lease Deed 25-11-2023 which shows the vehicle in question was leased out to one Mr. Balaji Borkar and therefore any kind of action with respect to use of vehicle cannot be attributed to the petitioner. He submits that this crucial aspect although was pointed out to the Authorities, however, the same is not considered and as such the impugned order is unreasoned, non speaking and thus violative of principles of

natural justice. He therefore, prays for remand of the matter to Tahsildar. He also submits that even the Sub-Divisional Officer although referred to the document of Lease Deed, however, there is no due consideration about the effect of the Lease Deed since the vehicle was not being used by the petitioner. He, therefore, submits that both the orders are violative of principles of natural justice.

5. In support of his submissions that the impugned order is unsustainable being unreasoned and non speaking, learned Counsel for the petitioner relies on judgment in the matter of Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs Shukla and brothers, reported in (2010) 4 SCC 785.

6. Learned AGP submits that there is reference to the Lease Deed and the contention that the aspect is not considered is baseless since the vehicle stands in the name of petitioner. He, therefore, supports the impugned orders.

7. Perusal of impugned order shows that the respondent authorities have not given due consideration to the document of Lease Deed by which the vehicle in question was leased to Mr. Borkar. In view of the contentions canvassed by the petitioner that the vehicle was not used by the petitioner at the relevant time, the issues ought to have been considered by the Authorities. The impugned order does not show consideration of the submissions of

the petitioner, neither the reasons for rejecting the submissions are stated.

8. In view of this, without making any observations on merits of the matter, impugned orders are quashed and set aside.

9. The matter is relegated to respondent no.3 Tahsildar, Washim for reconsideration of the matter after affording an opportunity of hearing to the parties.

10. Respondent no.3 is directed to take decision within one month.

11. Writ Petition is, accordingly, disposed of.

(Prafulla S. Khubalkar, J.)