

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

**WRIT PETITION NO. 6559 OF 2024**

Shri Haji Saim

Vs.

The Additional Collector, Bhandara and others

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders  
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Shri A.R. Ingole, Advocate for petitioner  
Shri B.M. Lonare, AGP for respondents/State

**CORAM : SMT M.S. JAWALKAR, J.**

**DATE : 11.02.2025**

Heard learned Counsel for the petitioner and learned Assistant Government for respondents.

2. Present petition is filed challenging the order passed by the learned SDO, Tumsar, whereby, penalty of Rs.2,00,000/- came to be imposed for illegal transportation of minor mineral vide order dated 01/11/2023. The said order came to be challenged before the Additional Collector, Bhandara, in Appeal No.34/MNL-37/2023-24. The said appeal came to be rejected vide order dated 29/02/2024. However, it appears that there is no consideration while imposing penalty that for half body truck (open truck), there is only Rs.1,00,000/- penalty provided for as per Rules.

3. Learned Counsel for petitioner placed on record

details of disputed truck and its registration details, from which, it can be seen that the body type of the truck is open. In view of this matter, both the orders need to be quashed and set aside and matter needs to be remanded back to the SDO in respect of extent of penalty imposed is not as per Rules. Accordingly, petition is allowed.

4. The order dated 29/02/2024, passed by the respondent No.1, Additional Collector, Bhandara, in Appeal No. 34/MNL-37/2023-24, and the order dated 01/11/2023, passed by the respondent No.2, Sub Divisional Officer, Tumsar, in Rev. Case No. 44/MNL37/2023-24, are hereby quashed and set aside.

5. Matter is remanded back to the SDO for reconsideration in view of registration details and the concerned Rules for imposing penalty.

6. Parties to appear before the SDO on 28/02/2025.

7. The writ petition stands disposed of.

**(SMT M.S. JAWALKAR, J.)**