

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.11208 OF 2015

Rajesh Gopalkrishna Kapoor ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri S.P. Brahme, Advocate for the petitioner
Shri C.V. Dharurkar, A.G.P. for State
.....

CORAM: R.M. BORDE &
A.I.S. CHEEMA, JJ.

DATED: 18th November, 2015.

ORAL ORDER :

1. The Writ Petition is pressed only so far as prayer clauses (C) and (H) are concerned and rest of the prayers are not pressed at this stage, since the substantive appeal presented by the petitioner is pending before the competent authority. It would be open for the petitioner to make appropriate request to the appellate authority for grant of

relief in terms of other prayers except prayer clauses (C) and (H) of this petition.

2. It is the contention of the petitioner that, although the vehicles are seized by the Tahsildar, those have not been produced before the Collector or such other officer not below the rank of Deputy Collector authorised by the Collector within a period of 48 hours from seizure and as such, there is non-compliance of provisions of Section 48(8) (2) of the Maharashtra Land Revenue Code, 1966.

3. The learned Assistant Government Pleader appearing for the State, on instructions, makes a statement that the procedure prescribed under the aforesaid provisions would be adhered to and the vehicles would be produced before the competent authority so as to facilitate the petitioner to tender an application for release of the vehicles. As such, this Writ Petition can be disposed of by issuing directions to the respondents to abide by the procedure prescribed under Section 48(8)(2) of the Maharashtra Land Revenue Code, 1966. On presentation of an application by the petitioner for release of the vehicles,

the concerned authority shall pass appropriate orders as expeditiously as possible, preferably within a period of eight days from the date of presentation of such application. The vehicles shall be produced before the competent authority as laid down under Section 48(8)(2) of the Maharashtra Land Revenue Code, 1966, within a period of two days.

4. With directions as above, Writ Petition stands disposed of.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)

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