

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

WRIT PETITION NO. 3475 OF 2016

Balaji Ramrao Patil

...PETITIONER

versus

The State of Maharashtra and others

...RESPONDENTS

.....
Mr. Abhay R. Rathod, Advocate for petitioner
Mr. N.B. Patil, AGP for respondents
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 29th MARCH, 2016.

Order :-

1. Mr. Rathod, learned counsel appearing for petitioner submits that the petitioner has already filed appeal before respondent No. 3 -appellate authority under the provisions of Maharashtra Land Revenue Code, 1966, more particularly, under section 48 read with section 247. During pendency of the appeal, the same officer has issued notice to the petitioner to deposit 50% amount towards penalty. According to learned counsel, the petitioner is not liable to pay any amount.

2. Mr. Patil, learned Assistant Government Pleader submits that petitioner will have to demonstrate before the appellate forum merits of his own case, however, 50% amount, as directed, to be deposited by the petitioner is reasonable.

3. Appeal is pending with the appellate authority. It does not appear that the petitioner has filed any application for stay. The petitioner may file an application for stay in said appeal. At the time of deciding stay application, appellate-authority can pass appropriate orders either to grant stay or to direct the petitioner to deposit the amount. The petitioner shall file an application for stay in pending appeal within a period of two weeks from the date of this order. The order impugned shall not be implemented in case petitioner files application for stay within two weeks, as directed. If the application for stay is filed till decision of that application, impugned order shall not be implemented.

4. Writ petition stands disposed of accordingly.

5. The parties to act upon authenticated copy of this order.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK