

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.9636 OF 2016

Shri. Santosh Gulabchand Laddha

.. Petitioner

Versus

The Tahsildar,

Taluka Niphad, Dist. Nashik and others

.. Respondents

Mr. S. K. Shinde i/by Mr. Sudam Kale, for the Petitioner.

Mrs. V. S. Nimbalkar, AGP for the Respondents.

CORAM : R.M. SAVANT, J.

DATE : 3rd MAY 2016

PC.

1. The notice dated 11.02.2016 being issued in exercise of powers conferred by Section 48(7) of the Maharashtra Land Revenue Code is taken exception to by way of the above Petition. The Petitioner has an alternative efficacious remedy by way of an Appeal before the officer higher in rank than the Tahsildar, Nashik. Hence, there is no warrant to entertain the above Petition. The Petitioner would be entitled to raise all such contentions as are available in law to challenge the computation of the penalty as well as the attachment of the crusher belonging to a partnership firm. This Court does not express any opinion in respect of the said challenges. However, to facilitate the Petitioner to file an Appeal

against the impugned communications and notice, the Petitioner is granted a period of four weeks time to file the Appeal. Hence, for a period of four weeks no precipitative steps be taken pursuant to the impugned order as well as the notice. The status-quo in respect of the attached crusher would also continue for a period of four weeks. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]