

**FARAD CONTINUATION SHEET No.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 4998/2016**

(MANOJ GANPATRAO WAGH **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri T.H. Bewali, counsel for the petitioner.  
 Mrs. B.H. Dangre, G.P. for the R-1 to 3.

**CORAM : SMT. VASANTI A NAIK AND  
MRS. SWAPNA JOSHI, JJ.**

**DATE : DECEMBER 2, 2016.**

By this writ petition, the petitioner has sought a direction to the Tahsildar to release the vehicle of the petitioner and pay damages of Rupees Ten Thousand per day from the date of seizure of the vehicle.

According to the petitioner, the Tahsildar had illegally seized the vehicle of the petitioner on 01.08.2016 and has not taken any further action in the matter of imposing penalty or for the release of the vehicle.

Mrs.Dangre, the learned Government Pleader appearing for the respondents, states that since the driver of the vehicle had admitted that sand was illegally transported in the vehicle and he had agreed to pay the penalty, the vehicle is seized. It is, however, fairly admitted that no notice was served on the petitioner for initiating the proceedings under section 48(7) of the code. It is stated that an appropriate order would be passed after hearing the petitioner. It is stated that the petitioner may be directed to remain present before the Tahsildar, so that appropriate orders under section 48(7) of the Code could be passed.

It appears that no action is taken by the respondents against the petitioner under section 48(7) of the Code till date. It was necessary for the respondents to have initiated the action against the petitioner under section 48(7) of the Maharashtra Land Revenue Code, 1966 and to have asked the petitioner to pay the penalty, if at all it was imposed, for the release of the vehicle. The vehicle of the petitioner cannot be detained indefinitely without taking recourse to the provisions of the Code as the petitioner had sought for the release of the vehicle in the month of August-2016.

In the circumstances of the case, we dispose of the writ petition by accepting the statement made on behalf of the respondents that an appropriate order would be passed under section 48(7) of the Code and steps would be taken to release the vehicle if the petitioner pays the penalty, imposed under section 48(7) of the Code. The petitioner undertakes to remain present before the Tahsildar in respect of the proceedings under section 48(7) of the Code on 08.12.2016.

Order accordingly. No costs.

**JUDGE**

**JUDGE**

APTE