

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3403 OF 2017

Imran s/o Rashid Shaikh
age 32 years, occ. business
r/o Musa-Nagar, Udgir
Tq. Udgir, Dist. Latur

Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary
Revenue and Forest Department,
Mantralaya Mumbai 32.
2. The Collector
Latur, Dist. Latur.
3. The Sub-Divisional Officer
Sub-Divisional Office, Udgir
Tq. Udgir, Dist. Latur
4. The Tahsildar
Tehsil Office, Udgir
Tq. Udgir, Dist. Latur

Respondents

Mr. B.M. Dhanure, advocate for the petitioner.
Mr. V.M. Kagne, A.G.P. for Respondents.

CORAM : R.M.BORDE &

K.L. WADNE, JJ.

DATE : 7th APRIL, 2017

ORAL JUDGMENT : (PER R.M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. The vehicle belonging to petitioner has been seized under the order passed by the Tahsildar on 09.01.2017. Petitioner has also been directed to pay penalty of Rs. 92,400/- under the order issued by the Tahsildar on 09.01.2017. It is the contention of the petitioner that infact the Naib Tahsildar has actually seized the vehicle who is not authorised by law to take adverse action. The contention raised by petitioner has been controverted by respondent – State.
4. Without going into the controversy raised in that regard, the ends of justice would be met if petitioner is directed to deposit 50% of the amount as ordered by the Tahsildar on 09.01.2017 and further directing the respondents to release the vehicle belonging to petitioner. Petitioner undertakes to deposit amount of Rs. 46,200/- with the Tahsildar within one week from today. On deposit of amount, respondent Tahsildar or the Naib Tahsildar as the case may be shall release the vehicle belonging to petitioner forthwith. It would be open for the petitioner to raise challenge to the order passed by the Tahsildar on 09.01.2017 by adopting the remedies as provided under the Maharashtra Land Revenue Code, 1966 and, it would be open for the appellate authority to pass appropriate order in accordance with the provisions of law. Instant order passed in the petition shall not an impediment for consideration of claim of petitioner on merit by the appellate

authority. Deposit of amount as undertaken by petitioner shall also be subject to outcome of the appeal which petitioner proposes to file under the Maharashtra Land Revenue Code, 1966. Rule is accordingly made absolute. No costs.

(K. L. WADNE)
JUDGE

(R.M.BORDE)
JUDGE

dyb