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

WRIT PETITION NO.2324 OF 2019

Kalidas S/o Pralhad Gaikwad,
Age : 45 years, Occu. Business,
R/o Dhoki, Tq. & Dist. Osmanabad

..PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai – 32
2. Additional Collector,
Collector Office, Osmanabad
3. The Sub-Divisional Officer,
Collector Office,
Osmanabad
4. Tahsildar,
Tahsil Office, Osmanabad
5. Police Inspector,
Police Station, Dhoki,
Tq. & Dist. Osmanabad

..RESPONDENTS

Mr R.K. Ashtekar, Advocate for petitioner;
Mrs G.L. Deshpande, A.G.P. for respondent nos.1 to 4

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 25th April, 2019

ORAL ORDER:

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Pursuant to the provisions of the Maharashtra Land Revenue Code (for short "MLR Code"), the petitioner was saddled with a penalty of Rs.2,30,040/- against which he preferred an appeal under Section 247 of MLR Code before the Deputy Collector. After the Deputy Collector dismissed the appeal, the second appeal before the Additional Collector suffered the same fate. As such, this petition.

2. The prayer is, the respondents be directed to release the vehicle seized while found to be carrying the minor minerals without royalty pass and to quash and set aside the order of penalty including the royalty.

3. Learned A.G.P. raised an objection on the maintainability of the petition as the revision under MLR Code is maintainable.

4. In the aforesaid background, without examining the merits of the matter and in view of statement made by the learned Counsel for the petitioner, on instructions, that the petitioner shall deposit an amount of Rs.1,25,000/- within a period of two weeks along with the revision application before the revisional authority, the petition can be disposed of with following order :-

The petitioner is permitted to file revision within a period of two weeks from today along with a Demand Draft of Rs.1,25,000/- towards the part payment of the royalty and the penalty ordered by the Tahsildar, Osmanabad on 21st July, 2018. In case if the petitioner tenders such

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revision along with the Demand Draft, the petitioner will be entitled to get released vehicle in his favour forthwith. Tahsildar, Osmanabad shall forthwith release the vehicle of the petitioner being registration No.MH 25 U 1421.

It is expected of the revisional authority to decide the revision if so preferred by the petitioner on its own merits as this Court has not examined the merits of the matter.

With above observations, the petition stands disposed of.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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