

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

916 WRIT PETITION NO.8598 OF 2019

**ARJUN MAROTIRAO KHERMODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Jadhav Hanumant P.
AGP for Respondents: P.S.Patil**

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CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 17/07/2019

PER COURT :

Notice to respondents. AGP waive service for all respondents. Mr.Jadhav, learned advocate for petitioner submits that seizure of the vehicle is illegal. The vehicle has been seized by Talathi. The Talathi does not have authority to seize vehicle under Section 48(8) of the Maharashtra Land Revenue Code. The learned advocate submits that even notice issued for payment of penalty is illegal.

2] The learned AGP submits that the mud was being carried illegally without permission the authority has rightly seized the vehicle and imposed penalty upon the petitioner.

3] According to the petitioner, Second Appeal is pending. The authority would decide the same on its own merits.

4] As the petitioner has already filed Second Appeal and the same is pending with the Additional Collector, considering the fact that appeal involves relief of release of vehicle also, it would not be

appropriate to pass order in the present Writ Petition. The Additional Collector shall decide the appeal filed by the petitioner expeditiously preferably within one month. The petitioner and the Tahsildar shall appear before the Additional Collector, Osmanabad on 22/7/2019.

5] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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