

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

WRIT PETITION NO. 2488 OF 2020

**HANUMANT MANIK PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Swami Sandeep C.
AGP for Respondents : Mr. A. R. Kale

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 10th FEBRUARY, 2020

PER COURT:

1. Mr. Swami, learned counsel for the petitioner submits that the petitioner had filed an appeal against the order imposing penalty. The appellate authority did not entertain the appeal and is insisting upon the petitioner to deposit 50% of the amount.

2. The learned Assistant Government Pleader accepts notice for all respondents and submits that, in equity, the authority could demand payment of 50% of the amount.

3. Under the provisions of the Section 247 of the Maharashtra Land Revenue Code, 1966 the condition of pre-deposit does not exist. The authority could not have refused to register the appeal on the ground that 50% of the amount is not deposited. The authority can pass the orders with regard to the deposit, in case, the application for stay is being entertained or otherwise.

4. In case the appeal complies with all other requirements the appellate authority shall not refuse to register the appeal only on the ground that 50% amount is not deposited.

5. Writ Petition accordingly stands disposed of.
No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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