

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

954 WRIT PETITION NO.5995 OF 2020

PRAVIN DASHRATH KADAM

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA

..RESPONDENT

...

Mr. Satej S. Jadhav, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

...

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

DATED : 08th SEPTEMBER, 2020.

PER COURT:-

1. Heard.

2. The learned counsel for the petitioner submits that the vehicle of the petitioner has been seized under Panchanama dated 30.05.2020 by the Talathi/Circle Officer and not by the competent authority as contemplated under Section 48 (7) and (8) of the Maharashtra Land Revenue Code, 1966.

3. Section 48 (7) and (8) is amended on 16.09.2019. The words not below the rank of Tahasildar in Section 48(8) has been deleted.

4. In view of that, person below the rank of Tahasildar can be authorized to seize the vehicle. Earlier writ petitions were entertained when the Talathi/Circle Officer used to seize the vehicle

and he had no authority under Section 48(8), but in view of the amendment, the said Talathi/Circle Officer can have jurisdiction to seize the vehicle.

5. The petitioner can avail the remedy of Appeal. In view of that, writ petition is disposed of with liberty to the petitioner to avail the remedy of Appeal under the provisions of Maharashtra Land Revenue Code.

6. If the petitioner files an Appeal, the Appellate Authority shall consider the application of the petitioner for release of vehicle on its own merits expeditiously.

7. All contentions of parties are kept open.
No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE