

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

WRIT PETITION NO. 8118 OF 2020

Babu Piraji Ryapanwad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Govind R. Ingole, Advocate for the Petitioner.

Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 to 5.

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

DATE : 09TH DECEMBER, 2020.

FINAL ORDER :

. Mr. Ingole, the learned advocate for the petitioner submits that, the petitioner is a poor person. He has never engaged himself in any illegal activity. His name is illegally associated. The appeal filed by the petitioner is pending before the Collector. According to the learned counsel, the petitioner is not in a position to pay the amount of penalty. The petitioner would deposit some part of amount and the JCB be released.

2. The learned Assistant Government Pleader for respondent/ State submits that, JCB machine has been seized by a competent authority i. e. Niab Tahsildar. The vehicle is seized on 20th May, 2020.

3. On the date when the vehicle is seized the authority

seizing the vehicle had the power under the provisions of Sec. 47(7) and 47(8) of the Maharashtra Land Revenue Code.

4. The petitioner has filed an appeal and same is pending before the Collector even as per the contention of the learned advocate for the petitioner.

5. When the appeal is pending, it would not be appropriate to entertain the writ petition. The petitioner may raise all the defences raised in this petition, before the Appellate Authority. In case the petitioner files an application for release of vehicle, the authority shall decide the said application within a period of four (04) weeks from the date of filing, on its own merits.

6. In the light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/Dec. 20