

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

**WRIT PETITION NO. 13719 OF 2021**

Nita Gajanan Nalawade

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. R. S. Deshmukh, Senior Advocate i/by Sanjay B. Bhosale, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA &  
S. G. DIGE, JJ.**

**DATED : 09<sup>th</sup> DECEMBER, 2021.**

**PER COURT:-**

. Mr. Deshmukh, learned senior counsel for the petitioner submits that the order of attachment is passed without adhering to the procedure as contemplated. The penalty imposed upon the petitioner by the authorities is illegal. The petitioner has filed appeal against the same before respondent No. 2 and the same is pending for more than two and half years. In the interregnum, the Tahsildar has issued notice of attachment. The learned senior counsel submits that the attachment of the petitioner's property is illegal. The petitioner has approached the respondent No. 2 for deciding the appeal and for the stay and the same is not decided.

2. We have also heard learned A.G.P for respondents.
3. The order of attachment would imply injunction not to alienate or create third party interest in respect of the property attached. By attachment, the possession of the petitioner over the immovable property is not affected. The respondents have not taken further steps pursuant to the attachment.
4. Considering the aforesaid, the respondent No. 2 shall decide the appeal of the petitioner on its own merits, in accordance with law and policy, after hearing all parties concerned, expeditiously and preferably within a period of three (03) months from the date of appearance of the petitioner. The petitioner shall appear before the appellate authority on 16.12.2021.
5. Till the appeal is decided by the Collector, no further steps be taken by the respondents so far as the attached property is concerned.
6. Writ petition accordingly is disposed of. No costs.

**( S. G. DIGE )**  
**JUDGE**

**( S. V. GANGAPURWALA )**  
**JUDGE**

PS.B.