

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1700 OF 2021

Sumit s/o Hargovind Lanje

vs.

Shri Ramesh Kumbhare and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Virat Mishra, Advocate for petitioner.

Ms. Mayuri Deshmukh, AGP for respondents.

CORAM : MANISH PITALE J.

DATE : 16th JUNE, 2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The learned counsel for the petitioner seeks liberty to delete the names of the respondent Tahasildar and Sub Divisional Officer who were inadvertently made parties by name. The request is accepted. The amendment to be carried out forthwith.

3. In this writ petition, on 27th April, 2021, while issuing notice for final disposal, this Court had granted interim order for release of the vehicle of the petitioner on specific condition stated in paragraph 5 of the said order, it reads as follows :-

“(5) In the meanwhile, if the petitioner deposits Rs.1,00,000/- with the Tahsildar, Sakoli and executes personal bond as contemplated under Section 48(8) of the Maharashtra Land Revenue Code, the authority shall release the truck having registration No.MH-40/BL-5813 in empty condition.”

4. The present petition is filed directly against the impugned order passed by respondent No.1 Tahsildar for the reason that the appellate authority i.e. Additional Collector of Bhandara was not available at the relevant time. The learned counsel for the petitioner submits that appeal has been now filed before the said authority and that the same is pending. It is submitted that the appellate authority is now available for hearing of the appeal. This is confirmed by the learned Assistant Government Pleader who appears on behalf of the respondents.

5. In that view of the order, this Writ Petition is disposed of by directing the Additional Collector (appellate authority) to consider the appeal filed by the petitioner expeditiously.

6. In the meanwhile and during the pendency of the appeal pending before the Additional Collector, interim order dated 27th April, 2021 passed by this Court shall continue to operate.

JUDGE