

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

WRIT PETITION NO. 4665/2018

Sanjay Mangal Waghmare...Versus...The Additional Collector and ors

WRIT PETITION NO. 4666/2018

Dilip Pandurang Gandhare..Versus...The Additional Collector and ors

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

Court's or Judge's orders

Mrs. Renuka Sirpurkar, Advocate for petitioners
Ms. T.Khan & Mr. A.A.Madiwale, AGP for Respondent Nos. 1 to 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 28/10/2021

Learned AGPs for Respondent Nos. 1 to 4 submit that since the impugned order is passed under Section 48 (8) of the Maharashtra Land Revenue Code, the provisions of appeal under Section 247 of the MLR Code is available to the petitioners.

This position is not disputed by the learned counsel for the petitioners, in view of which she seeks permission to withdraw the petitions with liberty to file the appeal. She, however, submits that the interim order dated 12.2.2019 in so far as it releases the vehicle in the custody of the petitioners be continued till the duration of the appeal and in case the appeal is dismissed, then the amount of penalty imposed shall be deposited within a period of two weeks thereafter, failing which the vehicles shall be again seized by the Tahsildar.

Since by the order dated 12.2.2019 such a condition has already been imposed in respect to the present petitioners, I see no impediment in granting the liberty based upon the statement made above. The petitions are therefore, dismissed as withdrawn with liberty as prayed for, subject to the condition that in case the appeal is dismissed, the petitioners shall deposit the amount of penalty within a period of two weeks therefrom, failing which the vehicles shall be again seized by the respondent-Tahsildar.

Since the matter has been prosecuted in this Court, the question of delay shall not come in the way of the petitioners in filing the appeal.

JUDGE

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