

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

WRIT PETITION NO. 4247/2021

Sanjay Keshavrao Girepunje **Versus** State of Maharashtra and others
WRIT PETITION NO. 4942/2021

Yunus Yusuf Gori **Versus** State of Maharashtra and others
WRIT PETITION NO. 4940/2021

Sheikh Ashfak Sheikh Chhotu **Versus** State of Maharashtra and others
WRIT PETITION NO. 4504/2021

Mahendra Subhas Selokar **Versus** State of Maharashtra and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. A.R.Ingole, Advocate for the Petitioner.
Mr. A.A.Madiwale and Sagar Ashirgade, AGPs for Respondents/State

CORAM: AVINASH G. GHAROTE, J.

DATED : 4th DECEMBER, 2021.

Mr. Ingole, learned counsel for the petitioners fairly submits that there is no zero royalty pass in the present matters, considering which the impugned order, which imposes penalty u/s 48(7) of the MLR Code cannot be faulted with. Mr. Ingole, learned counsel thereafter submits that the impugned order also indicates exercise of power by the learned Tahsildar under Section 48(8) of the MLR Code, which is not permissible, considering the language of the said section, which indicate that the same be exercised by an officer not below the rank of Deputy Collector.

This position is not controverted by

Mr.Madiwale, AGP appearing for Respondents in WP No. 4227/2021 and Mr. Ashirgade, AGP appearing in WP Nos. 4942/2021, 4940/2021 and 4504/2021, considering which the impugned order, in so far as it relates to exercising of the power under Section 48(8) of MLR Code by the learned Tahsildar cannot be sustained.

The petitions are therefore partly allowed and the impugned order in so far as it relates to exercise of the power under Section 48(8) of the MLR Code is hereby quashed and set aside. The vehicle seized be forthwith returned to the petitioners.

JUDGE

Rvjalit