

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

WRIT PETITION NO. 5405/2021

Prayan Kailasrao Shelke...Versus...State of Maharashtra and ors
AND

WRIT PETITION NO. 5406/2021

Parvej Jibrail Khan Pathan...Versus...State of Maharashtra and ors
and

WRIT PETITION NO. 5407/2021

Saurabhsingh Thamendrasingh Chouhan...Versus...State of Maharashtra and
ors
and

WRIT PETITION NO. 5408/2021

Gaurav Rajesh Chourasiya...Versus...State of Maharashtra and ors

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 petitioners
Ms. T.Khan, AGP for Respondent Nos. 1 to 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 20/12/2021

Heard Mr. Ingole, learned counsel for the
petitioners and Ms. Khan, learned AGP for respondents.

In all these petitions, a composite order has
been passed by the Tahsildar, exercising powers under
Section 48(7) of Maharashtra Land Revenue Code,
imposing penalty as well as under Section 48(8)(2) of the
said Code imposing penalty for the use of the vehicles.

Mr. Ingole, learned counsel for the petitioners
upon instructions does not press these petitions in so far as
imposition of penalty/fine under Section 48(7) of the MLR

Code is concerned.

Learned AGP fairly concedes that the impugned orders in so far as they indicate the exercise of powers by the Tahsildar under Section 48(8)(2) of the MLR Code, the same would clearly be without jurisdiction, in view of which, the impugned order in so far as they indicate exercise of jurisdiction by the Tahsildar under Section 48(8)(2) of the MLR Code, is quashed and set aside and the matters are remanded back to the Respondent No.3, who will issue a fresh notices to the petitioners in the matter of imposing penalty under Section 48(8)(2) of the MLR Code and after granting an opportunity of being heard, pass necessary and appropriate order. Since Mr. Ingole, learned counsel for the petitioners, upon instructions states that the vehicles would be produced before the Respondent No. 3 as and when required by the Respondent No. 3 by a notice in writing duly served upon the petitioners, the vehicles be released in the custody of the respective petitioners upon their furnishing an undertaking to the above effect and the bond equal to the value of the vehicles before the SDO.

The petitions are disposed of in the above terms.

JUDGE

rvjalit

Digitally sign by RAJESH
VASANTRAO JALIT
Location:
Signing Date: 21.12.2021 14:22