

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

WRIT PETITION NO. 5474/2021

Sanjay Gopichand Shende...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 petitioner
Ms. H.N.Jaipurkar, AGP for Respondent Nos. 1 to 4

CORAM : AVINASH G. GHAROTE, J.
DATE : 21/12/2021

Heard Mr. Ingole, learned counsel for the petitioner and Ms. Jaipurkar, learned AGP for respondents.

In this petition, 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 vehicle.

Mr. Ingole, learned counsel for the petitioner upon instructions does not press this petition 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 order in so far as it indicates 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 it indicates exercise of jurisdiction by the Tahsildar under Section 48(8)(2) of the MLR Code, is quashed and set aside and the matter is remanded back to the Respondent No.3, who will issue a fresh notice to the petitioner 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 petitioner, upon instructions states that the vehicle 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 petitioner, the vehicle be released in the custody of the petitioner upon his furnishing an undertaking to the above effect and the bond equal to the value of the vehicle before the SDO.

The petition is disposed of in the above terms.

JUDGE

rvjalit