

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4033 OF 2022

MADHUKAR MURARI BHANDARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

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Advocate for the Petitioner : Shri Kharosekar A.B.
AGP for the Respondents/ State : Shri A.R. Kale

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CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.

DATE :- 01st August, 2022

Per Court :-

1. The petitioner has put forth prayer clauses B, C and D as under :-

- “B) By issuing writ of mandamus/writ of certiorari or any other appropriate writ, order or direction to direct the respondent Nos.3 to 5 to release the Hiva Truck No.MH-25-AJ-1234 of the petitioner forthwith.
- C) To direct the respondent Nos.3 and 4 to consider the reply and documents filed by the petitioner dated 16.02.2022 at Exh. “E” and pass order.
- D) To quash and set aside the show cause dated 15.02.2022 bearing Ja.Kra.2020-2022/ Mahasul/Vasuli/ Gau.Kha./ kavi-78 issued by the Tahsildar, Tahsil Office, Tuljapur to the petitioner.”

2. We have perused the affidavit in reply filed by the Naib Tahasildar dated 27.06.2022. We have also perused the order passed by the Sub Divisional Officer, Osmanabad, dated 31.05.2022. A second appeal under Section 247 of the Maharashtra Land Revenue Code can be preferred by the petitioner before the Additional Collector, Osmanabad.

3. In view of the above, this Writ Petition is disposed off with liberty to the petitioner to avail of the remedy as is prescribed in law.

4. In the event, the petitioner desires that the vehicle seized, be released, he is at liberty to raise such ground for consideration of the appellate authority. If such an appeal is preferred within 10 days, we direct the authority to decide the said appeal by 30.08.2022.

kps

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)