

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7574 OF 2022

**MAHESH KISAN MUGALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

....

Mr T. M. Venjane, Advocate for petitioner;
Mr S. G. Karlekar, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd August, 2022

PER COURT:

1. The petitioner has put forth prayer clause (B), which reads as under :-

“Be pleased to direct the respondent authorities to release the Vehicle of the petitioner bearing Registration No. MH-25-AJ-2609 and Chasis No. MAT448854L5B02038 forthwith and hand over to the petitioner.”

2. Having considered the submissions of the learned Advocate for the petitioner and the learned A.G.P. appearing on behalf of the respondents, we find that, an appeal preferred by the petitioner on 10/06/2022, is pending before the Additional District Collector, Osmanabad, under Section 247 of the Maharashtra Land Revenue

(2)

Code, 1966. His request for release of vehicle is also a ground in the said appeal.

3. The learned Counsel for the petitioner submits that, the petitioner would pray for release of vehicle before the said authority and would abide by such conditions, as may be imposed upon the petitioner by the said authority, for release of vehicle. He submits that, this Court may record that the petitioner is willing to deposit 50% of the penalty and request for the release of vehicle.

4. In view of the above, this petition is disposed off.

5. We expect respondent No.2, to consider the request of the petitioner and by following the due procedure laid down in law, pass appropriate orders. If, on deposit of 50% of the penalty amount, the vehicle is to be released, we leave respondent No.2 at liberty to impose such conditions as are required in law, to ensure that vehicle is not misused.

6. Needless to state, this order would be complied with, if the said appeal is yet not decided. In the event, an adverse order is

(3)

already passed against the petitioner, liberty is granted to the petitioner, to challenge the same.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk