

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

964 WRIT PETITION NO.10670 OF 2022

**YUVRAJ SHIVLING RAUT
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr.Andhale Sandip Ramnath
AGP for Respondents-State : Mr.K.N.Lokhande
...

CORAM : SANDEEP V. MARNE, J.

DATE : 13.10.2022.

PER COURT :

1. By the present petition, the petitioner challenges the notice dated 14.07.2019 issued by the Tahsildar, Jamkhed, District Ahmednagar, seizing his vehicle and imposition of total fine plus penalty of Rs. 1,61,050/- The petitioner did not challenge the said notice of the Tahsildar dated 14.07.2019, nor paid the amount demanded. This led to the authorities scheduling an auction for the sale of petitioner's truck bearing Registration No. MH-14-AS-7612. An auction is scheduled to be held on 18.10.2022. Mr. Andhale, learned Counsel appearing for the petitioner submits that the petitioner is willing to pay an amount of Rs. 1,61,050/- on or before 17.10.2022 and would then prefer an appeal before the Sub Divisional Officer challenging notice dated 14.07.2019. He prays for stay of the auction of his vehicle till the decision of his appeal, which

will secure the amount/interest being payable by the petitioner. Mr. Andhale learned Counsel, after taking instructions from his client/petitioner submits that the petitioner would file an undertaking not to sell, transfer or mortgage his vehicle till the decision of his appeal. I therefore proceed to pass following order :

ORDER

a) Petitioner to pay an amount of Rs. 1,61,050/- (Rupees One Lakh Sixty One Thousand and Zero Fifty only) in the office of the Tahsildar, Jamkhed, District Ahmednagar, on or before 17.10.2022.

b) Upon the petitioner paying amount of Rs. 1,61,050/- (Rupees One Lakh Sixty One Thousand and Zero Fifty only), in the office of Tahsildar, Jamkhed on 17.10.2022, the auction of his vehicle bearing Registration No. MH-14-AS-7612 be stayed.

c) It is made clear that in the event of the petitioner's failure to deposit aforesaid amount on or before 17.10.2022, auction of his vehicle be continued.

c) Upon the petitioner's depositing amount of Rs. 1,61,050/- (Rupees One Lakh Sixty One Thousand and Zero Fifty only) as aforesaid, he would have a liberty to file an appeal, challenging notice dated 14.07.2019 before the Sub Divisional Officer, who shall entertain the same on merits.

d) By deposit of amount of Rs. 1,61,050/- (Rupees One Lakh Sixty One Thousand and Zero Fifty only), the vehicle of the petitioner shall be returned to him, subject to the condition that the petitioner files an undertaking before this Court on or before 17.10.2022, that he shall not sale, transfer or mortgage the truck bearing registration No. MH/14-AS-7612, during pendency of his appeal before the Sub Divisional Officer and shall repay the entire amount due, in the event of his appeal being

dismissed.

e) It is clarified that this order is restricted only to the petitioner's vehicle bearing registration No. MH/14-AS-7612 and shall not be applied to the auction of the other vehicles covered by the proclamation dated 01.10.2022.

f) In the event the petitioner's not filing appeal before the Sub Divisional Officer, the respondent authority would be at the liberty to recover the balance due amount towards the petitioner along with interest as well as to seize his vehicle.

g) With these directions the petition is disposed of.

(SANDEEP V. MARNE)
JUDGE

mahajansb/