

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

937 WRIT PETITION NO.10890 OF 2022

**GOVINDRAO GHADLING KADAM
VERSUS
THE STATE OF MAHARASHTRA THROUG ITS SECRETARY AND
OTHERS**

...
Advocate for Petitioner : Mr.Deshmukh Umakant B.
AGP for Respondents-State : Ms.G.L.Deshpande
...

CORAM : SANDEEP V. MARNE, J.

DATE : 18.10.2022.

PER COURT :

1. By this petition, the petitioner challenges the order dated 10th October, 2022 passed by the Additional Collector, Nanded to the extent of condition of deposit of 25% of the amount of market value of the seized vehicle as a precondition for stay to the order passed by the Sub Divisional Officer, Biloli dated 28.07.2022.

2. The order appears to be erroneous in that the Additional Collector possibly desired that 25% of the fine amount should be deposited as a precondition for grant of stay to the order passed by the S.D.O. In S.D.O.'s order dated 28.07.2022, a fine of Rs. 24, 50,000/- was imposed on the petitioner. The condition for deposit of 25% of the market value of the seized vehicle appears to be preposterous.

3. The learned Counsel appearing for the petitioner submits that the petitioner is willing to deposit 25% of the amount indicated in the order dated 28.07.2022 by the S.D.O. under protest.

4. The present petition is partly allowed by modifying the order dated 10.10.2022 passed by the Additional Collector, Nanded to the extent that the stay to the order passed by the Sub Divisional Officer on 28.07.2022 shall be operational subject to condition of petitioner depositing 25% of the amount of Rs. 24,50,000/- determined by the S.D.O., within a period of two weeks from today.

5. The petition accordingly partly allowed and disposed of.

(SANDEEP V. MARNE)
JUDGE

mahajansb/