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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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Date: 2022.05.06
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WRIT PETITION NO.7115 OF 2021

Kiran L. Ghode

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.K.N. Shermale for the Petitioner.

Mr.A.I. Patel, Addl.GP for the State - Respondent.

**CORAM : S.V. GANGAPURWALA &
M.G. SEWLIKAR, JJ.**

DATE : 4TH MAY, 2022.

P.C. :-

1. The petitioner has challenged the order passed by the Appellate Authority under section 48 (8) of the Maharashtra Land Revenue Code, 1966 (MLR Code). We have heard Mr. Shermale, learned counsel for the petitioner and the learned Additional Government Pleader. We would have considered the arguments of the learned counsel for the petitioner had the petitioner challenged the original order passed by the Tahsildar. However, the petitioner has already preferred remedy of appeal under section 247 of the MLR Code. Section 247 also provides for second appeal. The petitioner has already availed of the remedy provided under the

Code. It would not be appropriate now to entertain the writ petition.

The petitioner may file second appeal under section 247 of the MLR Code. In case such appeal is filed before the Appellate Authority, the Appellate Authority shall consider release of the vehicle within one month from the date of filing an appeal. All the contentions are kept open.

2. The writ petition is disposed of. No costs.

(M.G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)