

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 514 of 2022

Shankar S/o Mahadeorao Bhoyar,
Aged about 36 years, Occupation - business,
R/o Nehru Nagar, Ghatanji, Tahsil Ghatanji,
Dist. Yavatmal.

... Petitioner

... Versus ...

(1) State of Maharashtra,
Through Collector, Yavatmal.

(2) Tahsildar, Ghatanji,
Dist. Yavatmal.

(3) Mandal Adhikari, Tahsil Ghatanji,
Dist. Yavatmal.

(4) Police Station Officer,
Police Station, Ghatanji,
Dist. Yavatmal.

... Respondents

Mr. M. I. Dhattrak, Advocate for the petitioner
Ms. T. H. Khan, A. G. P for the respondents

CORAM : ROHIT B. DEO, J.

DATED : 21-3-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. The petition is heard finally with consent of the learned counsel appearing for the parties.

2. The challenge is to the order dated 21-1-2022 rendered by the Tahsildar, Ghatanji whereby in purported exercise of power under

Section 48(7)(8) of the Maharashtra Land Revenue Code, 1966 (Code), the petitioner is saddled with penalty for illegal user of the vehicle which is J.C.B. MH-36-L-6413.

3. The order impugned is liable to be set aside on the short ground that in view of mandate of Section 48(8)(2) of the Code, such power could have been exercised by an officer not below the rank of Deputy Collector. This view is taken by the Division Bench in judgment dated 15-3-2019 in ***Writ Petition 7165/2018 (Harihar s/o Mahadev Puri Vs. State of Maharashtra and anr.)***.

4. The order impugned is quashed. All questions and contentions are left open.

5. It is clarified that if deemed fit, the appropriate authority may act in accordance with law.

6. The petition is disposed of by clarifying that the interim order passed by this Court shall be subject to the final outcome in the proceedings.

JUDGE