

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

WRIT PETITION NO. 2409 OF 2022

Nilesh Janardhan Gaigole

Vs.

State of Maharashtra through its Secretary for Revenue and Forest Department, and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri G.R.Sadar, Advocate for petitioner.

Shri N. R. Patil, Assistant Government Pleader for respondents.

CORAM :- A.S.CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE :- JULY 22, 2022

The learned Assistant Government Pleader has tendered the copy of orders dated 27.04.2022 passed by the Tahsildar, Telhara and dated 20.06.2022 passed by the Sub-Divisional Magistrate, Akot which are taken on record and marked 'A' for identification.

The petitioner seeks release of excavation machine (pock-land machine) which was seized on 04.01.2022 purportedly by the Tahsildar while acting under Section 48(7) of the Maharashtra Land Revenue Code, 1966 (for short, the Code). During the pendency of the writ petition on 27.04.2022 the Tahsildar has passed an order under Section 48(7) of the Code and imposed fine on the petitioner as well as the owner of said machine. Thereafter the Sub-Divisional Magistrate on 20.06.2022 has passed a further order under Section 48(8) of the Code. Against this order the remedy of appeal under Section 247 of the Code is available to the petitioner.

In that view of the matter the petitioner is at liberty to challenge the aforesaid order dated 20.06.2022 by invoking remedy of appeal provided under Section 247 of the Code. In those

proceedings, if the petitioner makes a request for release of the seized machine that request shall be considered in accordance with law. If the petitioner files an appeal within a period of two weeks from today, the same shall be considered expeditiously and preferably within a period of eight weeks from the date it is filed.

Keeping all points raised open, the writ petition is disposed of. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..