

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.2838/2022**

Arbaj s/o Arsoddin Sayyad .vs. State of Maharashtra, through its Secretary, Revenue  
and Forest Department, Mumbai-32 and Ors.

---

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

---

Mr. A. R. Ingole, Advocate for petitioner.  
Mrs. S. S. Jachak, A.G.P for respondent nos. 1 to 4.

**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 27.07.2022**

Heard Ingole, learned counsel for petitioner and  
Mrs. Jachak, learned A.G.P for respondent nos. 1 to 4.

2. The order dated 05.07.2022, succinctly rerecords the controversy between the parties. In pursuance to that, an additional affidavit has been filed by the learned AGP on 12.07.2022 (page 68) along with which, communication dated 23.05.2022 has been annexed, on which reliance is placed to contend that it indicates the admission of the liability to pay the amount of penalty. However perusal of the communication (page 71) indicates that it merely makes a demand for the copy of the challan imposing penalty and nothing else.

3. That being the position, it cannot be said that the petitioner had admitted the amount of penalty or his

willingness to deposit the same, in view of which, since the order has been passed by the Sub Divisional Officer, instead of Tahsildar, sustaining the same would be depriving the petitioner of remedy of an appeal which is available to him. For this reason, the impugned order is hereby set aside and the matter is remanded to Tahsildar, who shall pass an order after hearing the petitioner within a period of two weeks from today.

4. The petition, is accordingly allowed in above terms. No order as to costs.

**JUDGE**

kahale