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

WRIT PETITION NO.8659 OF 2018

Juned Ali Basharat Ali,
Age : 33 years, occupation business/contractor,
R/o Khatib Ward, Pusad, district Yavatmal. **Petitioner.**

:: V E R S U S ::

1. State of Maharashtra,
Through its Secretary, Department of Revenue,
Mantralaya, Mumbai-32.

2. Tahsildar,
Tahsil/Taluka : Pusad, District Yavatmal. **Respondents.**

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Shri Syed Shahid, Counsel for the Petitioner.
Mrs.N.P.Mehta, Assistant Government Pleader for the Respondents.

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

DATE : **JUNE 10, 2022**

ORAL JUDGMENT (Per : A.S.Chandurkar, J.)

1. Heard the learned counsel Shri Syed Shahid for the petitioner and the learned Assistant Government Pleader Mrs.N.P.Mehta for the respondents. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. The challenge raised in this writ petition is to the order dated 5.11.2018 passed by the Sub-Divisional Officer, Pusad thereby dismissing the appeal preferred by the petitioner challenging the earlier order dated 3.10.2018 passed by the Tahsildar. The Tahsildar by that

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order was pleased to impose a fine of Rs.2,26,100/- by invoking powers under Section 48(7) and (8) of the Maharashtra Land Revenue Code, 1966. While issuing notices in the writ petition, the petitioner's vehicle which was seized was directed to be released and the petitioner was at liberty to deposit the amount of penalty in this Court. The petitioner has accordingly deposited the amount of Rs.2,26,100/- on 14.3.2019.

3. The learned Assistant Government Pleader Mrs.N.P.Mehta for the respondents submits that statutory remedy under Section 247 of the Maharashtra Land Revenue Code, 1966 by way of further appeal before the Collector is available to the petitioner. Since the petitioner has received custody of his vehicle, he can be directed to avail such statutory remedy.

4. We find that as there a statutory remedy is available to the petitioner in the form of an appeal before the Collector under Section 247 of the Code, the petitioner ought to be permitted to invoke that remedy. Accordingly, the following order is passed:

ORDER

(1) The petitioner is permitted to invoke remedy available under Section 247 of the Maharashtra Land Revenue Code, 1966 for challenging the

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order passed by the Sub-Divisional Officer, Pusad on 5.11.2018.

(2) If such appeal is preferred within a period of three weeks from today, the same shall be entertained on merits and decided in accordance with law.

(3) The amount of Rs.2,26,100/- with accrued interest shall be transferred to the Collector, Yavatmal. This amount will be subject to final adjudication by the Collector in the appeal.

The writ petition is disposed of. Rule accordingly.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

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