

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.1798 OF 2023

TUSHAR RAGHUNATH SAPKALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. Reddy Avinash M.
AGP for Respondents-State : Mr. S. P. Tiwari
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 15th February, 2023

PER COURT :

1. The learned AGP points out that against the impugned order, appeal is provided under Section 247 of the Maharashtra Land Revenue Code, and as such, there is an alternate remedy available to the petitioner.
2. The learned Advocate for the petitioner submits that there is a violation of proviso to section 48 (2) of the Maharashtra Land Revenue Code with reference to the seizure of the truck and that it has been not produced before the Collector within the stipulation period as per the Judgment in of *Dipak Ghadage and others Vs. State of Maharashtra and others*, reported in Writ Petition No.1273 of 2018, decided on 06/02/2018.

3. The learned Advocate for the petitioner further submits that Truck of petitioner bearing No.MH-19/BM-7070 be released for violation of the mandate of Section 48 (2) of the Maharashtra Land Revenue Code. In view of the alternate remedy available, the petitioner is relegated to the appellate authority. However, it is clarified that, in the event the petitioner deposits 50 % of the amount of the notice, the appellate authority to consider the application for release the truck and decide the same within a period of seven days of filing of the appeal and application for release of the truck.

4. In view of the above, the petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.