

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5883 OF 2023

Dnyaneshwar Dhanraj Baviskar

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. Atul M. Pawar, Advocate for the Petitioner.

Mr. S. G. Sangale, AGP for Respondent Nos. 1 and 2.

CORAM : KISHORE C. SANT, J.

DATED : 12th JUNE, 2023.

P. C. :-

. The limited grievance in the petition is against the order dated 15.02.2023 passed by the Tahsildar, Jalgaon whereby penalty of Rs. 45,770/- is imposed upon the petitioner for carrying sand illegally of two brass quantity in a Truck. The Truck bearing No. MH-18M-3026 is seized by the Tahsildar. Panchanama is executed dated 03.02.2023.

2. The learned A.G.P. submits that, in fact, there is remedy of appeal challenging the order passed by the Tahsildar under Section 48 (7) and 48 (8) of the Maharashtra Land Revenue Code.

3. Learned advocate for the petitioner submits that, he is ready to deposit 50% amount of the penalty and prays that his vehicle be

directed to be released subject to outcome of the appeal that he would prefer before the appellate authority.

4. Learned advocate for the petitioner relies upon the orders passed by this Court in Writ Petition No. 5071/2023 dated 02.05.2023, Writ Petition No. 5064/2023 dated 02.05.2023 and Writ Petition No. 5061/2023 dated 02.05.2023 with other connected matters.

5. In view of the same, this Court finds that, interest of the justice would be served by directing the respondents to allow the petitioner to take vehicle on depositing 50% of the amount of fine imposed by the impugned order subject to outcome of the appeal that would be filed within a period of two weeks from today.

6. The writ petition stands disposed off in the above terms.

(KISHORE C. SANT, J.)

PS.B.