

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

WRIT PETITION NO. 6896 OF 2023

Sanjay s/o. Sitaram Tayde	..	Petitioner
Versus		
1. The State of Maharashtra Through Principal Secretary Revenue and Forest Ministry, Mumbai – 32.	..	Respondents
2. The Tahsildar, Jalgaon, Tq. & Dist. Jalgaon.		

Mr. A.M. Reddy h/f. Mr. A.M. Pawar, Advocate for the petitioner.
Mr. D.S. Jape, AGP for the respondent/State.

CORAM : KISHORE C. SANT, J.
DATED : 26.06.2023

PC :-

01. Heard. This petition is preferred against an order issuing notice to the petitioner by the learned Tahsildar, Jalgaon as to why no action be taken against him for carrying sand from another state to the Maharashtra. A notice dated 26.05.2023 is issued under section 48(7) and 48(8) of the Maharashtra Land Revenue Code. The penalty proposed is Rs.45770/-. The petitioner has to approach first to Tahsildar and give explanation as per statement of the learned AGP. The learned AGP further submits that the petition is pre-mature and therefore is not maintainable.

02. Though the petitioner has appeared before the Tahsildar, however, considering the fact that his vehicle i.e. Truck bearing No. MTS 9596 is confiscated by the authority, this Court finds that the said truck can be directed to be released. The learned Advocate for the petitioner submits that the petitioner is ready to deposit the entire amount of penalty sought to be imposed i.e. Rs.45770/-. He submits that otherwise the truck will be released only after conclusion of the proceeding. The petition is, therefore, entertained only to the extent of directing the authorities to release aforesaid truck on deposit of amount of Rs.45770/-. Hence, following order :-

ORDER

(i) The petition is partly allowed.

(ii) The petitioner is at liberty to approach the Authority. However, in the meantime the truck bearing No. MTS 9596 seized by the Authority on 26.05.2023 be released on deposit of amount of Rs.45,770/- (Rupees Forty Five Thousand Seven Hundred Seventy) within two weeks from today. The deposit of amount shall be without prejudice to the rights of the petitioner.

[KISHORE C. SANT, J.]