

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 6204 OF 2023

DEVIDAS BALASAHEB YELWANDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. Kharosekar A.B.

AGP for Respondents/State : Mr. S.G. Sangale

...

CORAM : KISHORE C. SANT, J.

DATE : 15th JUNE 2023.

Per Court :

Heard.

1. At the outset, learned Advocate for the petitioner seeks leave to correct the date of impugned order in the prayer clause of the petition. Leave is granted. Amendment to be carried out forthwith.

2. By way of this petition, the petitioner challenges order dated 24.05.2023 passed by respondent No.4/learned Tahsildar, Ahmednagar under section 48 (7)(8) of the Maharashtra Land Revenue Code and has imposed fine of Rs.2,23,200/- for carrying dabbar in the petitioner's

vehicle bearing No. MH-17-T-9087. The petitioner has challenged this order without filing appeal to the Sub-Divisional Officer. As the order is passed under Sections 48 (7)(8) of the Maharashtra Land Revenue Code, the petitioner has to avail the appellate remedy. The petitioner's grievance is that the said vehicle is seized on 26.12.2022. Nobody is benefited by keeping the vehicle idle for long period. The only prayer of the petitioner is that his vehicle be released.

2. Considering the above, this Court finds that it would be in the interest of justice to direct the release of vehicle on deposit of 50% amount of the fine as per order dated 24.05.2023. The further action would be subject to outcome of the appeal filed before the SDO, if preferred before the SDO. The petitioner undertakes that he would approach the learned SDO by filing necessary appeal/representation within a period of three weeks from today. The petitioner also would deposit 50% of the fine amount as stated above. On depositing such amount, the authority shall release the vehicle on undertaking by the petitioner that if in case, the vehicle is found being used for such purpose, the same shall be liable to further action.

3. The vehicle be released on depositing 50% amount of fine as imposed by the Tahsildar by its order dated 24.05.2023. Said vehicle be released on depositing of the amount as stated above within a period of two days after deposit, subject to outcome of the appeal that would be filed by the petitioner.

4. With the above directions, the writ petition is disposed off.

[KISHORE C. SANT, J.]

Najeeb.