

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

WRIT PETITION NO. 9237 OF 2023

Mayur Ramdas Sonawane

.. Petitioner

Versus

The Tahsildar,
Tahsil Office Nandurabar,
Tq. and Dist. Nandurabar

.. Respondent

Mr. N. D. Sonavane, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 11th AUGUST, 2023.

P. C. :-

. In this case, the order is passed by the learned Tahsildar on 20.09.2021 to seize the vehicle of the petitioner and has imposed penalty of Rs. 3,88,200/-. It is specific case of the petitioner that, he was not aware of any such order. For the first time, he came to know on receipt of notice dated 11.05.2023 issued by the learned Tahsildar, Nandurbar for recovery of amount of Rs. 3,88,200/- i.e. Rs. 1,80,000/- towards penalty for transport of mines and minerals and Rs. 2,00,000/- for use of vehicle.

2. It is the submission of learned advocate for the petitioner that, in view of Section 48 (8) (2) of the Maharashtra Land Revenue Code, no

hearing was given to him. The learned Tahsildar is not competent to impose penalty for use of vehicle for the purpose of transporting of mines and minerals. Since he could not get the knowledge of the order, he could not even avail the opportunity of filing an appeal before the appropriate authority. However, he makes a specific statement that, his vehicle is not seized. Since the petitioner's only grievance is that, though the petitioner could have challenged the order, he could not do so for want of knowledge of the order.

3. This Court finds that, the vehicle of the petitioner is also not seized or if seized, that was immediately released and since no action is taken for almost two years, this petition can be disposed off with a direction to the authorities to decide the appeal if, filed by the petitioner within a period of two (02) weeks from today. The authorities to decide the appeal within a period of two (02) months after the same is filed. It is made clear that, if no appeal is filed, naturally, the impugned order would attain finality.

4. The action pursuant to notice dated 11.05.2023 issued by the learned Tahsildar, Nandurabar shall be stayed subject to filing of undertaking. If petitioner fails to file an appeal, the impugned order shall attain finality and he would be liable for the action pursuant to the said notice (Exh. G, page No. 65).

5. The said undertaking be filed before the authorities within a period of two (02) weeks from today by filing copy in this Court.
6. Needless to say that, the undertaking would be taken as undertaking given to this Court.
7. With this, the writ petition stands disposed off.

(KISHORE C. SANT, J.)

PS.B.