

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

WRIT PETITION NO. 8756 OF 2023

1. Mayur Motilal Patil

2. Sandip Nana Patil

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Azizoddin R. Syed, Advocate for the Petitioners.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 to 6.

CORAM : KISHORE C. SANT, J.

DATED : 11th AUGUST, 2023.

P C. :-

. In this petition, the vehicles of the petitioners are seized on 26.06.2023. The learned Tahsildar thereafter imposed fine of Rs. 8,54,075/- under Section 48 (7) (8) of the Maharashtra Land Revenue Code. A grievance is made that, the learned Tahsildar has no power to impose penalty for the use of vehicle as the said power is only with the learned Additional Collector and the officer above the rank of learned Additional Collector. There is also a power to impose penalty of fine of the charges for DMF as well as rent of the place.

2. Learned advocate for the petitioner submits that, the learned Tahsildar has no authority to impose fine of Rs.8,50,000/- for use of vehicles.

3. Learned A.G.P opposes the petition stating that, ultimately the order of the learned Tahsildar has suffered adjudication at the hands of the appellate authority i.e. learned S.D.O. and therefore, the same order needs to be maintained.

4. However, this Court finds that, since for the use of vehicles fine can be imposed only by the officer not below the rank of learned Additional Collector and therefore, the said action collecting the amount towards use of vehicles needs to be quashed. The order of the learned Tahsildar is thus maintained to the extent of imposing fine of Rs. 4075/- i.e. imposed for alleged illegal transportation of one brass of Murum. The amount towards use of vehicles cannot be charged.

5. The order passed by the learned Tahsildar to that extent is set aside. The writ petition is allowed with a direction that, the vehicles of the petitioners be released on depositing of Rs. 4075/- towards fine.

6. The said exercise be done within a period of two (02) weeks from today. The authorities will be at liberty to take action as per law thereafter. The petitioner would also file an undertaking that he would abide by the order if passed pursuant to the fresh action, if any, taken by the authorities. The vehicle shall not be used hereinafter for any illegal purpose in the similar activity without authorization. Till the

action is finally disposed off he shall not transfer the vehicle. The said undertaking be filed before the authorities within a period of two (02) weeks from today by filing copy in this Court.

7. With the, the writ petition stands disposed off.

(KISHORE C. SANT, J.)

RS.B.