

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

904 WRIT PETITION NO.11571 OF 2023

SACHIN DNYANESHWAR PAWAR & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the petitioners : Mr.A.R.Syed
AGP for Respondent-State : Mr.K.N.Lokhande
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27.10.2023

P.C. :

1] Heard the learned counsel for the parties.

2] The petitioners have challenged the show cause notice dated 21.08.2023 and seizure of the vehicles of the petitioners.

3] The learned counsel for the petitioners submits that final orders are passed on 25.10.2023. The learned counsel for the petitioners submits that the vehicles of the petitioners is detained for long period of time from 21.08.2023 and as such, the detention of the vehicles are illegal as no final orders are passed since long period of time.

4] The learned Advocate has taken me through Section 256 of the Maharashtra Land Revenue Code, more particularly, the proviso thereto wherein it is provided that the stay can be granted to the impugned order on deposit of 25% amount and the vehicles of the petitioners can be released by the appellate authority and the authority has powers to reduce the amount for granting stay.

5] In view of the submission made above, the Writ Petition is disposed of with liberty to the petitioners to challenge the final order dated 25.10.2023 before the appellate authority. The petitioners may also make an application for release of the vehicles and bring to the notice of the appellate authority that the powers are vested with the appellate authority under Section 255 and 256 of the Act for release of the vehicle. In the event the petitioners file an application for release of vehicle, the appellate authority shall pass order thereon within seven days from date of filing an application, in accordance with law.

6] Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE