

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.13646 OF 2023

BHATU BHIMRAO DESALE ALIAS PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

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Advocate for Petitioner: Mr. Akhade Sudhir Bhimrao
AGP for Respondent/State: Mr. S. B. Pulkundwar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 31st OCTOBER, 2023

PER COURT:

1. Mr. Akhade Sudhir Bhimrao, learned counsel for the petitioner submits that a common order is passed by the Tahsildar in respect of 5 vehicles. In in case of 2 vehicles this court passed order dated 11.08.2023 and, thereafter, another order is passed by this court dated 05.09.2023 in respect of 2 vehicles. One vehicle remained in custody of authority.

2. Mr. Akhade Sudhir Bhimrao, learned counsel submits that the petitioner would pay the entire amount as directed by the Tahsildar towards payment of royalty, which is Rs.4075/-. However, this court has held in the order dated 11.08.2023, in Writ Petition No.8756 of 2023 that the

Tahsildar has no authority to impose the penalty for wrongful use of the vehicle.

3. To that extent, the order of the Tahsildar is set aside. On payment of Rs.4075/-, as directed by the Tahsildar, the vehicle of the petitioner be released forthwith within a period of one (01) week thereafter on the production of the order. However, the appropriate authority would be at liberty to take further action as per law for wrongful use of the vehicle.

4. The petitioner shall file an undertaking that if fresh action is taken by the authorities that the petitioner would comply with the order or surrender the vehicle within four (04) weeks of the order. The vehicle shall not be used thereafter for a wrongful purpose and the vehicle shall also not be transferred for the further period of two (02) years from today. The undertaking to be filed before the authorities at the time of the release of vehicle.

5. With the above direction, the writ petition is disposed of.

[ARUN R. PEDNEKER, J.]