

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

904 WRIT PETITION NO.13115 OF 2023

**RAHUL RAJU SAPKALE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH PRINCIPAL SECRETARY AND ANOTHER**

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Advocate for Petitioner: Mr. Atul Madhav Pawar
AGP for Respondent/State: Mr. B. V. Virdhe

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18th OCTOBER, 2023

PER COURT:

1. Heard.

2. The petitioner is challenging the order dated 10.12.2021, passed by the Tahsildar, Jalgaon imposing penalty of Rs.2,57,652/-, which includes penalty of Rs.2,00,000/-, on the vehicle. The learned counsel submits that such a penalty cannot be imposed by the Tahsildar since it is beyond the jurisdiction of the Tahsildar to direct the penalty on the vehicle and the same can be only by the Sub-Divisional Officer.

3. The learned AGP submits that the alternate remedy of appeal is available to the petitioner.

4. In view of the submissions made, the petitioner is permitted to file appeal before the Sub-Divisional Officer. The Sub-Divisional Officer to consider the appeal filed by the petitioner and also an application for release of the vehicle, and pass orders thereon, on such terms and conditions as he deems fit and in accordance with law. The application for release of the vehicle be considered by the concerned authority within a period of one (01) week from the presentation of the application for release of the vehicle.

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

[ARUN R. PEDNEKER, J.]

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