

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

907 WRIT PETITION NO.12567 OF 2023

PANDIT BHIMRAO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Syed Azizoddin R.
AGP for Respondents 1 to 5 : Mrs. R.P. Gaur
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 19/10/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. The petitioners have challenged the show cause notice dated 28.8.2023 and seizure of the vehicles of the petitioners.
3. The learned counsel for the petitioners submits that although notices were issued, no final orders were passed. The learned counsel for the petitioners submits that the vehicles of the petitioners is detained for long period of time from 28.8.2023 and as such, the detention of the vehicles are illegal as no final orders are passed since long period of time.
3. On the other hand, the learned AGP has filed affidavit of concerned authority i.e. Nayab Tahsildar, Nandurbar/respondent No. 2, stating therein that the final order is passed dated 12.10.2023. It is also stated in the affidavit that the steps were not taken by the petitioners to release the vehicles.
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 12.10.2023 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 sections 255 and 256 of the Act. The appellate authority shall pass the order in respect of release of the vehicles of the petitioners within seven days of the from the date of filing application in accordance with law.

[ARUN R. PEDNEKER J.]

ssc/