

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

902 WRIT PETITION NO.13187 OF 2023

DNYANESHWAR ALIAS NANA KEWALSINGH RAJPUT
CHAVHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the petitioners : Mr.Syed Azizoddin R.
AGP for Respondent-State : Mr.K.B.Jadhavar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.10.2023

P.C. :

1] Heard the learned counsel for the petitioners. The learned counsel for the petitioners submits that the vehicle of the petitioners was impounded on 26.09.2023 and show cause notice is issued to the petitioners for carrying minor mineral without valid license seeking explanation why the penalty of Rs.1,26,586/- should not be imposed for wrongful use of the vehicle and for carrying minor mineral without valid permit. The learned counsel for the petitioners submits that the authority has not passed final orders on the show cause notice. The learned counsel for the petitioners submits that Section 48 (8) (2) of the

Maharashtra Land Revenue Code provides that the authority is vested with the Collector and Sub Divisional Officer to release the vehicle during pendency of the proceedings before the Tahsildar and the Tahsildar is not empowered to determine the amount of penalty on the impounded vehicle. The learned counsel further pointed out that in terms of provisions of Section 256 of the Maharashtra Land Revenue Code that even if the Tahsildar passes final order on show cause notice the appellate authority is entitled to release the vehicle on deposit of 25% amount and also has further authority to reduce the deposit below 25% and release the vehicle on such terms and conditions the appellate authority deems fit. He thus submits that the deposit for release of vehicle should not be beyond 25% during the pendency of proceedings before the Tahsildar.

2] In view of the submissions made, the learned counsel for the petitioners is permitted to approach before the Sub Divisional Officer under Section 48 (8) of the

Maharashtra Land Revenue Code for release of the vehicle and if such application is filed by the petitioners, the authority concerned to decide the said application within two weeks thereafter. The learned Tahsildar is also directed to pass final orders on the show cause notice dated 07.08.2023 within a period of two weeks from the receipt of the order of this Court.

3] In view of the above, the present Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC