

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4268 OF 2018

Rajesh Deorao Gandhare .Vs. The Additional Collector, Chandrapur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. R.S. Sirpurkar Advocate for the petitioner.

Ms H.N. Jaipurkar, A.G.P. for the respondent Nos.1 to 4/State.

CORAM : ANIL S. KILOR, J.

DATED : 05/06/2023

1. Heard.

2. Learned AGP for Respondent Nos. 1 to 4 submit that since the impugned order is passed under Section 48 (8) of the Maharashtra Land Revenue Code, the provisions of appeal under Section 247 of the MLR Code is available to the petitioner.

3. This position is not disputed by the learned counsel for the petitioner, in view of which she seeks permission to withdraw the petition with liberty to file the appeal. She, however, submits that the interim order dated 12.2.2019 in so far as it release the vehicle in the custody of the petitioner be continued till the duration of the appeal and in case the appeal is dismissed, then the amount of penalty imposed shall be deposited within a period of two

weeks thereafter, failing which the vehicles shall be again seized by the Tahsildar.

4 Since by the order dated 12.2.2019 such a condition has already been imposed in respect to the present petitioner, I see no impediment in granting the liberty based upon the statement made above. The petition is therefore, dismissed as withdrawn with liberty as prayed for, subject to the condition that in case the appeal is dismissed, the petitioner shall deposit the amount of penalty within a period of two weeks therefrom, failing which the vehicle shall be again seized by the respondent-Tahsildar.

5. Since the matter has been prosecuted in this Court, the question of delay shall not come in the way of the petitioner in filing the appeal.

JUDGE