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

942 WRIT PETITION NO. 3874 OF 2024

SUNIL BHAUSAHEB DHAGE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS THE
PRINCIPAL SECRETARY AND OTHERS

....

Mr K. N. Shermale, Advocate for Petitioner;

Mr R. K. Ingole, A.G.P. for Respondent Nos.1 to 4

CORAM : RAVINDRA V. GHUGE

AND

R. M. JOSHI, JJ.

DATE : 3rd May, 2024

PER COURT:

1. We have considered the submissions of the learned Advocate for the Petitioner and the learned A.G.P. The order of Respondent No.3/ Sub Divisional Officer, Sangamner, dated 14/03/2024, is passed under Section 247 of the Maharashtra Land Revenue Code, 1966 in R.T.S. Appeal No.95/2023. The said order is intact having not been challenged by the Petitioner. The Sub Divisional Officer has recorded that the Tahsildar exceeded the jurisdiction vested in him by law. Therefore, he has quashed

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his order and has directed him to cause an appropriate inquiry in the matter and decide the proceeding afresh.

2. After hearing the learned Advocate for the Petitioner, we expressed our disinclination. He submits that the Tahsildar, Sangamner may be directed to decide the proceeding of the Petitioner, within a particular time frame. The application of the Petitioner for the release of the JCB is pending, which may be considered expeditiously.

3. In view of the above, **this Writ Petition is disposed off.** Respondent No.4/Tahsildar, Sangamner shall proceed to deal with the pending proceeding of the Petitioner afresh, as directed by the Sub Divisional Officer, on it's own merits and by following the due procedure laid down in law. We expect him to decide said proceeding within 30 days from today. The application filed by the Petitioner for release of the JCB, would be decided by following the due procedure, preferably on or before 20/05/2024. If the Tahsildar is of the view that the vehicle can be released, he is at liberty to impose reasonable conditions and the learned

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Advocate for the Petitioner undertakes on instructions that the Petitioner is willing to abide by such conditions.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk