



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

CONTEMPT PETITION NO.435/2023
IN
WRIT PETITION NO.1265/2023 (D)

Shri Ganesh Harichandra Deshmukh Through Power of Attorney Holder
Shri Kartikey Narendra Dashasahastra

...Versus...

Shri Chandrabhan Mahadeo Khandat the Sub Divisional Officer, Umred, Tah.
Umred, Distt. Nagpur and another

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

Court's or Judge's orders

Mr. Syed Shahid, Advocate for petitioner

CORAM : BHARAT P. DESHPANDE, J.
DATE : 15/03/2024

1. Heard learned counsel for the petitioner.
2. By order dated 27/02/2023 passed in Writ Petition No.1265/2023, this Court allowed the petitioner to deposit penalty amount with the concerned Tahsildar. Similarly, this Court observed that if penalty is deposited, the vehicle shall be released in case no proceedings are pending before the Sub Divisional officer for imposition of penalty on the said vehicle.
3. Petitioner deposited the penalty immediately and then applied for release of truck.

4. Respondents, in their reply, addressed to the notice, pointed out that the enquiry is initiated against the petitioner under Section 48 of the Maharashtra Land Revenue Code, 1966 and the same is pending and therefore, the vehicle cannot be released.

5. In the order passed by this Court on 27/02/2023, there was no direction to release the vehicle without any condition. The release of the truck was subject to absence of pendency of any proceedings.

6. The petitioner is entitled to challenge the said proceedings independently. *Prima facie*, there is no contempt made out for even issuing notices.

7. The contempt petition stands disposed of in the above terms with liberty to the petitioner to take proper recourse available in law against the enquiry initiated by the Sub Divisional Officer under Section 48 of the Maharashtra Land Revenue Code. No order as to costs.

(BHARAT P. DESHPANDE, J.)