



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

WRIT PETITION NO. 8396 OF 2023

(Sameer Khan Shameem Khan Vs. The Sub-Divisional Officer, Saoner & Ors.)

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

Court's or Judge's orders.

Shri A.R. Ingole, Counsel for the petitioner.
Shri S.B. Bissa, A.G.P. for the respondents/State.

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CORAM : ANIL L. PANSARE, J.
SEPTEMBER 10, 2024

On 4/9/2024, following order was passed :

- “ 1. The contention is that vehicle has been seized by the Police Officer and not by the Revenue Officer; and therefore, the order impugned is without jurisdiction.
2. The learned AGP submits that statutory appeal is provided under Section 247 of the Maharashtra Land Revenue Code, 1966.
3. The learned Counsel for Petitioner submits that issue involved is covered by the Judgment dated 3/6/2024 passed by this Court in the case of Salman Illiyas Kha Pathan V/s State of Maharashtra & Ors. in Writ Petition No.2623/2022.
4. The learned AGP seeks time to go through the Judgment. Time granted.
5. Stand over to 10th September, 2024.”

2] During the course of argument, my attention is invited to order dated 18/4/2023 passed by the Tahsildar, Saoner, wherein it is mentioned that the vehicle under question, viz., vehicle no. MH-40-AK-6215, has been seized by the Tahsildar in terms of Section 48(7) of the Maharashtra Land Revenue Code, 1966 (for short “the Code”).

3] In that view of the matter, it cannot be said that the vehicle under question was seized by the Police Officer and not by the Revenue Officer, as argued by the learned Counsel for the petitioner. The said contention is accordingly found to be devoid of merit.

4] At this stage, the learned A.G.P. submits that appropriate remedy that is available to the petitioner is to file appeal under Section 247 of the Code, which provides that appeal against the order passed by the Tahsildar will lie before the Sub-Divisional Officer.

5] The petitioner is at liberty to approach the Sub-Divisional Officer, Saoner, if so desired.

6] The petition is disposed of in above terms.

(ANIL L. PANSARE, J.)

Sumit