



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

56 WRIT PETITION NO. 2320 OF 2025

RAHUL BALASAHEB GUND

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr.Mukul S. Kulkarni h/f. Mr. Chaitanya S. Deshmukh, Advocate for the petitioner.

Mr.S.N. Kendre, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 21.02.2025

PC :-

01. At the outset, learned Advocate for the petitioner seeks leave to substitute page Nos. 69 to 71.

02. Leave granted. The substitution be carried out forthwith.

03. By consent, heard learned Advocates for the parties finally.

04. The only grievance of the petitioner is that the Appellate Authority i.e. the learned Additional Collector, Ahilyanagar has rejected interim application without a reasoned order. It is case of the petitioner that his vehicle came to be seized and an action is taken under section 48 (8) of the Maharashtra Land Revenue Code. A notice was issued by

the Tahsildar. The Tahsildar passed an order dated 03.01.2025 imposing penalty of Rs.7,50,000/-. The petitioner challenged the order by filing an appeal before the learned Sub-Divisional Officer. The learned Sub-Divisional Officer rejected the appeal. Against the rejection, the petitioner filed Second Appeal bearing RTS Appeal No.19 of 2025 in the office of the Collector along with an interim application for release of the vehicle. On the said application, the learned Additional Collector has only passed following order :-

“Heard learned Advocate for the appellant. Application for release of JCB is hereby rejected.”

05. This Court finds that it was necessary to pass speaking order on the application, so that the petitioner, if desires, can challenge the order. Further, the Appellate/Revisional Authority needs to give reasons for which the application is rejected.

06. Considering the above, this Court finds that directions needs to be given to the learned Additional Collector, Ahilyanagar to pass a afresh order on the application dated 31.01.2025, filed by the present petitioner for release on the JCB vehicle.

07. This Writ Petition is, therefore, partly allowed. The matter is remanded back to the learned Additional Collector, Ahilyanagar for passing reasoned order on the interim application, seeking release of the vehicle dated 31.01.2025. The impugned order dated 04.02.2025 stands quashed and set aside. The learned Additional Collector to pass a fresh order within 3 (three) weeks from today.

08. The Writ Petition is accordingly disposed off with no order as to costs.

[KISHORE C. SANT, J.]