



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

WRIT PETITION NO. 393 OF 2025

MANOJ SAHEBRAO CHAVHANKE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR AND OTHERS**

...

Shri More Abhijit S., Advocate for the Petitioner.
Ms.S.S. Joshi, AGP for Respondent Nos.1 to 4/State.

...

CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 10th January, 2025

Per Court :-

Heard both the sides.

2. The petitioner who was facing an enquiry under Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966, had questioned the notice before this Court in earlier round in Writ Petition No.3042/2024. By order dated 19.03.2024, the petitioner was directed to pay 25% of penalty and the matter was to be considered by the respondent Sub Divisional Officer, on its own merits.

3. The petitioner made the deposit and by order dated 04.04.2024 (exhibit E), the notice was dropped and the proceeding was closed expressly observing that weight of the

vehicle was within permissible limits and further making observation that since there was no order in respect of 25% of penalty deposited by the petitioner, no decision could be taken.

4. It does appear that in the light of the fact that the deposit was made pursuant to the directions of this Court, the respondent Sub Divisional Officer had not passed any order to the extent of refund of 25% of penalty deposited by the petitioner. It also appears that the petitioner resorted to some appellate remedy under Section 247 of the MLRC and the Additional Collector dismissed the appeal.

5. Once the proceedings initiated against the petitioner under Section 48(7) and 48(8) were dropped and he was exonerated, refund of 25% penalty deposited by him would be merely a consequential order.

6. The Writ Petition is allowed. The respondents shall immediately return the amount deposited by the petitioner, failing which, the amount shall carry interest at the rate of 6% per annum.