

2024:BHC-AS:26187-DB



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9070 OF 2024

- | | | |
|---|---|----------------|
| 1. M.D. Enterprises, Thane |] | |
| Through Proprietor – Yogini Sanjay Gharat |] | |
| 2. Gauransh Traders, Thane |] | |
| Through Proprietor – Sanjay Yeshwant Gharat |] | .. Petitioners |
| <i>Versus</i> | | |
| 1. The State of Maharashtra, |] | |
| Through Revenue & Forest Department |] | |
| 2. The Collector, Thane |] | |
| 3. Kalyani Kadam, |] | |
| Tahasildar, Ulhasnagar |] | |
| 4. Sharad Sonawane, |] | |
| Talathi Saja, Ulhasnagar |] | |
| 5. The Sub-Divisional Officer, |] | |
| Ulhasnagar Division, Ulhasnagar |] | .. Respondents |

Mr. Vaibhav P. Patankar, Advocate, i/by Patankar & Associates, for the Petitioners.

Mr. Jay Sanklecha, Advocate for Respondent Nos.1, 2, 3 and 5.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 4TH JULY, 2024.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and heard learned counsel for the parties.
2. The petitioners have raised a challenge to the notice dated 10th June 2024 by which the petitioners' Truck bearing No.MH-04/JU-6554 has been intercepted with four Brass Greet Powder. The petitioners have been called upon to show cause as to why action should not be taken in accordance

with the provisions of Section 48 of the Maharashtra Land Revenue Code, 1966. The petitioners have responded to the Show Cause Notice but till date the same has not been adjudicated. Since the Truck owned by the petitioner no.1 has been seized while the Show Cause Notice has been issued to the petitioner no.2, they have approached this Court.

3. In our view, the Show Cause Notice issued to the petitioner no.2 deserves to be adjudicated expeditiously. On instructions, the learned counsel for the petitioners submits that an amount of Rs.2,74,400/-, as indicated in the Show Cause Notice would be deposited without prejudice to the rights and contentions of the petitioners before the Tahasildar by 19th July 2024. On such deposit, the petitioner no.1's Truck No.MH-04/JU-6554 shall be released. The petitioner no.2 shall appear before the Tahasildar on 24th July 2024. The Show Cause Notice dated 10th June 2024 shall be adjudicated by the Tahasildar within a period of ten days from that day. Subject to such adjudication, the petitioners are free to seek further redressal, if required. In case any adverse order is passed, same shall not be implemented for a period of fifteen days from service of the same on the petitioner no.2. All points raised on merit are kept open. Rule is disposed of.

4. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]