

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

WRIT PETITION NO. 9183 OF 2015

Vaibhav Madhav Lahamge

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. K.S. Bhore, advocate for petitioner.
Mr. D.R. Kale, GP for the State.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 8th OCTOBER, 2015.**

PER COURT :

1. Grievance of the petitioner in the instant petition is in respect of seizure of the vehicle bearing registration no. MH 15 CK 9084 by the revenue authorities on 25.06.2015 in contravention of provisions contained in section 48 of the Maharashtra Land Revenue Code, 1966. It is contended that though the vehicle is seized on 25.06.2015, the same was not produced before the Collector or the Deputy Collector having jurisdiction in that regard but the said vehicle was handed over to the police authorities under panchanama drawn on the said date. It is contended that in view of provisions of section 48(8)(2) of the Code, the machinery or the equipment or the means of transport used for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals or

transportation thereof, which is seized under sub-section (1), shall be produced before the Collector or such other officer not below the rank of Deputy Collector authorised by the Collector in this behalf, within a period of forty-eight hours of such seizure, who may release such seized machinery, equipment or means of transport on payment by the owner thereof of such penalty as may be prescribed and also on furnishing personal bond of an amount not exceeding the market value of the seized machinery, equipment or means of transport stating therein that such seized machinery, equipment or means of transport shall not be used in future for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same.

2. Since the respondent- authorities have not observed the procedure prescribed as above, we direct the respondent-authorities to produce the vehicle before the Deputy Collector authorised by the Collector in that behalf on 12.10.2015. It would be open for the petitioner to apply for release of the vehicle and, on making such application, the concerned Deputy Collector shall direct release of the vehicle on acceptance of bond for an amount not exceeding the market value of the seized vehicle, forthwith. The petitioner shall also, at the time of release of the vehicle, give an undertaking that the vehicle in question will not be used by him in future for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same. It would be open for the Collector to determine the amount of penalty, if any, in observance of the procedure prescribed under the Code and, pass

appropriate order in that regard, separately.

3. With the directions as above, writ petition is disposed of.

(P.R. BORA)
JUDGE

dyb

(R. M. BORDE)
JUDGE