

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

WRIT PETITION NO. 12116 OF 2015

Dada Rakhamaji Aware

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. K.S. Bhore, advocate for petitioner.
Mr. C.V. Dharurkar, AGP for the State.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 16th DECEMBER, 2015.**

PER COURT :

1. Heard.
2. Instant petition raises identical question as has been dealt with while dealing with Writ Petition No. 9183/2015 in the matter of Vaibhav Madhav Lahamge Vs. State of Maharashtra. For the reasons recorded in the order passed in the aforesaid writ petition, instant petition can also be disposed of with following directions:

I. Respondent - authority shall produce the vehicle before the Deputy Collector or any other officer authorised by the Collector in that behalf before 21st December, 2015, if the same has already not been produced.

II. It would be open for the petitioner to apply for release of the vehicle and, on making such application, the concerned officer shall direct release of the vehicle on

acceptance of bond for an amount not exceeding the market value of the seized vehicle and, on perusal of the relevant documents, forthwith.

III. 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.

IV. 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 stands disposed of.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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