

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4165 OF 2016
ANIL VASANTRAO VARADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. P.C. Mayüte, Adv. h/f. Shailesh S. Chapalgaonkar
AGP for respondent : Mr. B.A. Shinde.

**CORAM : S.V. GANGAPURWALA &
K.K. SONAWANE, JJ.
DATE : 20th April, 2016.**

PER COURT:

1] Heard. Notice to respondents. AGP waives notice for respondents.

2] Learned AGP submits that against the order dated 29.2.2016, the petitioner has an alternate remedy under the provisions of the Maharashtra Land Revenue Code. Learned counsel for the petitioner submits that the respondents have seized the truck of the petitioner. The respondents be directed to release the said truck.

3] As far as challenge to the order dated 29.2.2016 passed by the SDO is concerned, the petitioner has a remedy under the provisions of the MLRC. Petitioner may avail the said remedy.

4] As far as prayer with regard to release of the truck is concerned, the orders will have to be passed by the Deputy Commissioner. It is submitted that procedure in that regard has not been followed.

5] 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 authorized by the Collector in that behalf on 2nd May, 2016. 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, given an undertaking that the vehicle in question will not be used by him in future for unauthorized 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.

6] With these directions, writ petition is disposed of.

[K.K. SONAWANE,J.]

[S.V.GANGAPURWALA,J]

grt/-