

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7572 OF 2016

Pushpak S/o Sudhakar Aware	Petitioner
Versus	
The State of Maharashtra and others	Respondents

WITH

WRIT PEITION NO.7573 OF 2016

Dinesh S/o Laxman Shirsath	Petitioner
Versus	
The State of Maharashtra and others	Respondents

WITH

WRIT PETITION NO.7574 OF 2016

Sachin S/o Namdeo Walve	Petitioner
Versus	
The State of Maharashtra and others	Respondents

WITH

WRIT PETITION NO.7575 OF 2016

Karbhari S/o Dagdu Dhamale	Petitioner
Versus	
The State of Maharashtra and others	Respondents

WITH

WRIT PETITION NO.7576 OF 2016

Digamber S/o Shivram Dhamale	Petitioner
Versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.7577 OF 2016

Madhukar S/o Ramdas Jadhav	Petitioner
Versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.7578 OF 2016

Hari S/o Shivaji Dhikale	Petitioner
Versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.7579 OF 2016

Pawan S/o Satish Choudhari	Petitioner
Versus	
The State of Maharashtra and others	Respondents

WITH
WRIT PETITION NO.7580 OF 2016

Somnath S/o Dhanaji Anwat	Petitioner
Versus	
The State of Maharashtra and others	Respondents

Mr.A.B. Kharosekar advocate for the petitioners

Mr.M.B. Bharaswadkar, Mr. A.R. Kale, Mr. P.S. Patil, Mr. V.M. Kagne, Mr. S.S. Dande, Assistant Government Pleaders for Respondents

CORAM : R.M. BORDE &
K.L.WADANE, JJ

(Date : 18th July, 2016.)

PER COURT :-

1 The only issue that is required to be taken in to consideration, in these petitions, is in respect of release of vehicles allegedly attached by the respondent authorities. It is contended that, although the vehicles have been attached, the procedure prescribed by law, has not been observed. As per the procedure prescribed, appropriate orders in respect of release of vehicles will have to be passed by the Deputy Collector, authorized by the Collector, in that behalf.

2 In the circumstances, we direct the respondent authorities to produce the vehicles before the Deputy Collector, authorized by the Collector in that behalf on 21.7.2016. It would be open for the petitioners to apply for release of the vehicles and on making such applications, the concerned Deputy Collector shall direct release of the vehicles on acceptance of Bond for an amount, not exceeding the market value of the seized vehicles forth with. The petitioners shall also, at the time of release of the vehicles, give an undertaking that, the vehicles in question will not be used in future for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals and

transportation of the same. The petitioners shall undertake to produce the vehicles as and when directed by the Court, dealing with the criminal prosecution, that may be initiated against the petitioners/accused. 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 orders in that regard separately.

3 With these directions, writ petitions stand disposed of.

(K.L.WADANE, J)

(R.M.BORDE, J)

vbd