

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2571 OF 2016

Mr.A.S.Khandeparkar i/b Khandeparkar & Associates
for the Petitioner
Ms M.P.Thakur, AGP for the State

P.C.:

1 Heard the learned counsel for the petitioner
and the learned AGP for the respondents. On the
basis of the allegation that illegally excavated
sand was being transported by a dumper held by the
petitioner, apart from seizing the alleged illegal
excavated sand, even the dumper by which it was
being carried has been seized.

2 In terms of clause 2 of sub-section 8 of
section 48 of the Maharashtra Land Revenue Code, 1966
as amended by Maharashtra Ordinance No.12 of 2015,
subject to petitioner filing a bond and furnishing
security, the dumper will have to be released.

3 We, accordingly, direct that subject to

petitioner complying with clause 2 of sub-section 8 of section 48 of the said Code, the dumper which is seized be immediately released.

4 As far as the demand of penalty is concerned, the petitioner has a statutory remedy available under the said Code. The said remedy is kept open.

5 Subject to above directions, the petition is disposed of.

6 All contentions of the petitioner in support of the prayer clause (b) are kept open.

(R.D.DHANUKA,J.)

(A.S.OKA,J.)