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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION No. 3738 OF 2016

Shivprabhu Valu Vahtuk Motor and Ors.Petitioners
Vs.
State of Maharashtra and Ors.Respondents

Mr. A.S. Khandeparkar a/w. Shantanu Chandratre i/b. Khandeparkar &
Associates for the Petitioners

Mr. Vishal Thadani -AGP for the State

***CORAM : V. M. KANADE &
M.S. KARNIK, JJ.***

DATE : MAY 5, 2016

P.C. :

1. The grievance of the Petitioners is that the trucks belonging to Petitioner Nos.2 to 10 have been seized on the allegation that they were transporting illegally excavated sand. It is the case of the Petitioner Nos.2 to 10 that apart from seizure of the sand, even the dumper has been seized.
2. Section 48 of the Maharashtra Land Revenue Code, 1966 as amended by Maharashtra Ordinance No.12 of 2015, lays down for condition of release of such trucks and dumper.
3. The Petitioners, therefore, may apply for release of the trucks. If such

an application is made, the Respondents shall consider and process the same in terms of clause 2 of sub-section 8 of section 48 of the said Code. The Petitioners shall furnish a bond and security before release of the said vehicles.

3. Respondent Nos.2 to 5 shall process the application and after following the following the procedure established by law, release the vehicles after the Petitioners complying with clause 2 of sub-section 8 of section 48 of the said Code. The Petitioners' application should be processed, on merits and in accordance with law, expeditiously and, in any case, within a period of four weeks.

Writ petition is disposed of in the aforesaid terms.

M.S. KARNIK J.

V.M. KANADE, J.