

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1136/2016

(BRAHMADEV TULSIRAM INGLE & OTHERS **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri R.D. Karode, counsel for the petitioners.
 Ms N.P. Mehta, A.G.P. for the respondents.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JUNE 6, 2016.

By this writ petition, the petitioners challenge the order of the seizure/confiscation of the vehicle of the petitioners on the ground that the vehicle was carrying additional brass of sand than that was permitted. By the order dated 12.02.2016, the Tahsildar had directed the petitioners to deposit an amount of Rs.15,400/- towards penalty-royalty for the release of the vehicle.

Ms Mehta, the learned Assistant Government Pleader appearing on behalf of the respondents, states that disputed questions of facts do arise for consideration in this writ petition. It is stated that the vehicle of the petitioners was seized as the petitioners were illegally carrying excess sand in the truck. It is stated that in stead of filing the writ petition, the petitioners ought to have availed the alternate remedy under the provisions of the Maharashtra Land Revenue Code, 1966.

Shri Karode, the learned counsel for the petitioners, states that the petitioners have already deposited the fine-penalty that was directed to be deposited in terms of the order of the Tahsildar dated 12.02.2016 and the vehicle of the petitioners is released in terms of the said order. It is stated that if necessary, the petitioners would file appropriate proceedings before the Appellate Authority in view of the provisions of the Maharashtra Land Revenue Code, 1966.

In view of the statements recorded hereinabove, the writ petition is disposed of with no order as to costs.

The petitioners are, however, free to take up appropriate proceedings, if so advised.

Order accordingly.

JUDGE

JUDGE

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