

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.13265 OF 2017

Shamsundar S/o Sitaram Kadam ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.H.V.Patil, advocate for the petitioner
Mr.K.D.Mundhe, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
V.L.ACHLIYA, JJ.**

Date : 21.12.2017.

PER COURT :

1. Heard.
2. Issue notice to the Respondents.
3. Learned A.G.P. waives notice for all Respondents.
4. The only issue that is required to be

taken into consideration in this petition is in respect of release of vehicle allegedly attached by the respondent authorities. It is contended that although the vehicle has been attached, the procedure prescribed by law has not been observed. As per the procedure prescribed, appropriate order in respect of release of vehicle will have to be passed by the Deputy Collector, authorised by the Collector, in that behalf.

5. In the circumstances, we direct the respondent authorities to produce the vehicle before the Deputy Collector, authorised by the Collector in that behalf on 27.12.2017. It would be open for the petitioners 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, give an undertaking that, the vehicle in question will not be used in future for unauthorised

extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same. The petitioner shall undertake to produce the vehicle as and when directed by the Court dealing with the Criminal prosecution, that may be initiated against the petitioner/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.

6. With these directions, Writ Petition stands disposed of. No costs.

(V.L.ACHLIYA, J.)

(S.V.GANGAPURWALA, J.)

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