

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

WRIT PETITION NO.959 OF 2017

Shri Bhimanna Prasappa Talwar(Koli) & Anr. ..Petitioners
Vs.
The Collector, Sangli and Ors. ..Respondents

Mr. Manoj Shirsat i/b Mr. Nitin B. Patil for the Petitioners.
Mr. N. C. Walimbe, AGP for the Respondent/State.

**CORAM: V.M. KANADE &
C. V. BHADANG, JJ.**

APRIL 5, 2017.

P.C.

. Heard the learned counsel for the Petitioners and the learned AGP on behalf of the State.

2. The tractors of the Petitioners were seized by the Tahsildar, Jat. It is contention of the Petitioners that these tractors were parked there and were not transporting sand as alleged by the Respondent No.3. It is submitted that the procedure under section 48 of the Maharashtra Land Revenue Code 1966 has not been followed. He submitted that a Division Bench of this Court has held that a seizure panchanama is required to be made. It is submitted that no panchanama is made by the Respondent.

3. It is not in dispute that against the order of seizure of the vehicle, the Petitioner can file an appeal. In the present case, the Petitioners has in fact filed an appeal challenging the order of payment of penalty and the said Appeal is pending.

4. All the contentions which are raised by the Petitioners can be raised in the said Appeal. If an application is made by the Petitioners for

release of the tractors before the Collector, the Collector may decide the application in accordance with law.

5. With these directions, hearing of the Appeal is expedited. If any, application for release of the tractors is made, the same may be considered on merits and in accordance with law within two weeks from the date of receipt of this order.

6. The Petition is accordingly disposed of

7. The learned counsel for the Petitioners has relied on the judgment of a Division Bench of this Court in the case of ***Rumao Constructions vs. State of Maharashtra, 2010(6) Bom.C.R.236.***

(C. V. BHADANG, J.)

(V.M. KANADE,J.)