

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2426 OF 2018

Shridhar S/o Balasaheb Bhakare	Petitioner
Versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.2427 OF 2018

Kiran S/o Pandurang Ajabe	Petitioner
versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.2449 OF 2018

Sanjay Ananda Kapase	Petitioner
versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.2450 of 2018

Mahesh S/o Vachistha Ghuge	Petitioner
versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.2451 of 2018

Sagar Anil Pawar	Petitioner
versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.2452 of 2018

Shaikh Ruksana Khaja

Petitioner

versus

The State of Maharashtra & others

Respondents

Mr. A.B. Kharosekar, Mr. S.H. Tripathi, Mr. S.V. Jadhwar, advocates for the petitioners

Mr. S.S. Dande, Mr. P.N. Kutti, Mr. C.S. Kulkarni, Mr. S.Y. Mahajan, AGPs for Respondent State

CORAM : **R.M. BORDE & K.K. SONAWANE, JJ**

(Date: March 5th, 2018)

PER COURT :-

1 The only issue that arises in these petitions, is in respect of non-observance of provisions of Section 48(8)(2) of the Maharashtra Land Revenue Code in respect of release of vehicles allegedly attached by the respondent authorities on account of illegal transportation of minor minerals.

2 The procedure laid down under the Code provides for release of the vehicles by the Deputy Collector authorized by the Collector in that behalf. Section 48(8)(2) provides that the machinery or equipments or means of transportation used for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of thereof which are seized under subsection 1 of section 48 shall

be produced before the Collector or such other officer not below the rank of Deputy Collector, authorized by the collector in that behalf within a period of 48 hours of such seizure, who may release the vehicle on acceptance of bond for an amount, not exceeding the market value of the seized vehicles and also on furnishing an undertaking that the vehicles in question will not be used in future for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same.

3 In the circumstances, we direct the respondents to produce the seized vehicles before the Deputy Collector or any other officer authorized by the Collector in that behalf by 7.3.2018. On production of the vehicles, the Deputy Collector or any other officer authorized in that behalf may direct the owner of the vehicles to furnish personal bond of an amount, not exceeding the market value of the seized vehicle. The Deputy Collector or any officer authorized in that behalf may also ask the owner of the vehicle to produce an undertaking before him stating therein that the vehicles or machinery would not be used for the purpose of unauthorized transportation, extraction, removal, collection, replacement, picking up or disposal of minor minerals. It would also be open for the Collector or officer authorized in that behalf

by the Collector to determine the amount of penalty and direct the owner of the vehicle to make payment thereof, subject however to the appellate orders, if any. On furnishing of personal bond and undertaking and payment of penalty if any, the concerned officer shall release the vehicles forth with.

4 With the directions as above, writ petitions are disposed of.

(K.K. SONAWANE, J)

(R.M. BORDE, J)

vbd