

WRIT PETITION NO. 2552 OF 2018

Shaikh Shahed s/o Salauddin Shaikh Petitioner

The State of Maharashtra & others

Respondents

WRIT PETITION NO. 2559 OF 2018

Mehraj s/o Daud Sayyad

The State of Maharashtra & others

Respondents

Mr.A.B. Kharosekar, advocate for petitioners.

Mr. P.N.Kutti and Mr. S.S. Dande, A.G.Ps. for respondents.

CORAM : R.M.BORDE &

K.K. SONAWANE, JJ.

DATE : 7th MARCH, 2018

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 sub-section (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 12.03.2018. 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 authorize 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 forthwith.

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

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE

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