

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2676 of 2018

Amol Bansi Choudhari

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.S.H. Tripathi advocate for the petitioner

Mr.S.Y. Mahajan AGP for Respondents

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

(Date: March 12th, 2018)

PER COURT :-

1 The only issue that is required to be taken into consideration in this petition, is in respect of release of the 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 orders in respect of release of vehicle will have to be passed by the Deputy Collector, authorized by the Collector, in that behalf.

2 In the circumstances, we direct the respondent authorities to produce the vehicle before the Deputy Collector, authorized by the collector in that behalf on 15.3.2018. It would be open for the

petitioner 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 unauthorized 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.

3 With these observations, writ petition stands disposed of.

(K.K. SONAWANE, J)

(R.M. BORDE, J)