

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2894 OF 2018

Dattu Nivrutti Pund
& another

Petitioners

Versus

The State of Maharashtra
& others

Respondents

Mr. S.H. Tripathi, advocate for petitioners.
Mr. S.S. Dande, A.G.P. for respondents

WITH
WRIT PETITION NO. 2909 OF 2018

Balu Motiram Jangam

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. S.H. Tripathi, advocate for petitioner.
Mr. P.K. Lakhotiya, A.G.P. for respondents

**CORAM : R.M.BORDE &
K.K. SONAWANE, JJ.
DATE : 21st MARCH, 2018**

PER COURT:

1. The vehicles belonging to petitioners have been seized by the Revenue department on account of illegal transportation of sand.
2. In Writ Petition no. 2894/2018, though the vehicle belongs to petitioner no. 2, notice is issued to petitioner no. 1. Petitioner no. 2 takes a notice of the contents which are communicated to

petitioner no. 1 and as such, there is no necessity to issue separate notice to petitioner no. 2.

3. It is alleged that petitioners have carried sand in excess of the permit issued to them. It may not be necessary to go into the details of the allegations levelled against petitioners suffice it to say that petitioners are entitled to claim release of vehicles in view of section 48(8)(2) of the Maharashtra Land Revenue Code. Section 48(8)(2) of the Code 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.

4. In the circumstances, we direct the respondents to produce the seized vehicles before the Deputy Collector / Sub-Divisional Officer or any other officer authorized by the Collector in that behalf on 23.03.2018. On production of the vehicles, the Deputy Collector or any other officer authorized in that behalf may direct owner of the vehicle to furnish personal bond of the amount not exceeding the market value of the seized vehicle. The Deputy

Collector or any other officer authorized by the Collector in that behalf may also direct owner of the vehicle to furnish 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 forthwith.

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

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE