

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

975 CIVIL APPLICATION NO. 6332 OF 2018
IN WP/3314/2018

APPASAHEB BALASAHEB GORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Salgare h/f. Gaware Niteen V.
AGP for Respondents/State : Mr. A.P. Basarkar
...

CORAM : MANGESH S. PATIL, J.
(Vacation Court)
DATE : 25.05.2018

P.C. :

By the order dated 03.04.2018 passed in the writ petition, the petitioner was directed to deposit the penalty in respect of minor minerals and the penalty in respect of machinery, equipments and vehicle was not be levied and the question of permissibility to levy penalty and payment thereof was to be subject to the outcome of the petition.

2. It is informed that the petitioner/applicant has paid the penalty in respect of minor minerals on 24.01.2018. The Civil Application is now moved for the reason that in spite of the payment of penalty in respect of minor minerals and passing of the order dated 03.04.2018 the vehicle is not being released.

3. I have heard the learned advocate for the petitioner/applicant and the learned A.G.P.

4. Though, it has not been mentioned in so many words in the order dated 03.04.2018 that the vehicle seized should also be released, in my considered view, it was implicit. In several other similar matters that Division Bench had directed the vehicles to be released.

5. Hence the Civil Application is allowed. The respondent-Deputy Collector shall release the vehicle forthwith on petitioner/applicant executing a personal recognizance for an amount equivalent to the market value of the vehicle.

6. Civil Application is disposed of.

(MANGESH S. PATIL, J.)