

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3208 OF 2019

DEEPAK SUNIL BHAMRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Narendra D. Sonvane, Advocate for the petitioner
Mr.K.N.Lokhande, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 06.03.2019

P.C. :-

- . Heard learned counsel for the petitioner.
2. Considering the facts we proposed to dispose the petition with direction.
3. The petitioner's vehicle bearing registration No.MH-18-AZ-5005 was apprehended on allegations that the vehicle was used for illegal transportation of the sand (mine and material). Notice was issued to the petitioner by respondent No.4 Tahasildar on 10.01.2019. Notice refers to Government Gazettee notification as well the provision of Land Revenue Code 1966. The authority imposed penalty on the petitioner to the tune of Rs.1,46,800. The petitioner immediately on the next date

i.e. on 11.01.2019 deposited an amount of penalty in the Government treasury. Copy of the Chalan is placed on record at page No.10. The petitioner was directed to submit an affidavit. This affidavit and the statement made in the affidavit are treated as undertaking. Perusal of the affidavit shows that the petitioner undertook that if the vehicle is found engaged in any of the illegal activities such as excavation of sand or transportation, etc. the petitioner would pay the amount which would be not less than market value of the vehicle and it is stated that at present the market value of the vehicle is Rs.7,00,000/-. The petitioner with the statement in the affidavit submitted undertaking and assured the authority that he would bound by undertaking. The petitioner then approached the Tahasildar for release of the vehicle. The Tahasildar forwarded the communication to respondent No.2 Assistant Collector, Nandurbar dated 14.01.2019. It is stated in the communication that the petitioner deposited the amount of Rs.1,46,800/- in the treasury and the Tahasildar requested the Assistant Collector, Nandurbar to pass appropriate orders for release of the vehicle. Though this communication is forwarded on 14.01.2019 till date of filing the petition no orders are passed is the grievance raised in the petition.

4. Accordingly, we dispose of the petition with direction to respondent No.2 Assistant Collector, Nandurbar Division, Nandurbar to pass appropriate orders on the communication forwarded by the Tahasildar on 14.01.2019 as expeditiously as possible and not later than four weeks from the date of order of this Court.

5. With the above directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]