

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

103 WRIT PETITION NO.5120 OF 2019

UDHAV SAMBHAJI JAGTAP ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

WITH

WRIT PETITION NO.2996 OF 2019

PRATAP RAMBHAU RANHER ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

WITH

WRIT PETITION NO.5128 OF 2019

NAGNATH PRALHADRAO PAWAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

WITH

WRIT PETITION NO.5131 OF 2019

BHASKAR BABURAO DESHMUKH ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

...

Mr. R. D. Biradar, Advocate for the Petitioners.

Mr. S. B. Yawalkar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 04th JUNE, 2019.

PER COURT:-

1. It is submitted that in writ petition no.2996 of 2019 the learned J.M.F.C. had directed release of vehicle, however, the same is taken over by Circle Officer.

2. It appears that the vehicles of petitioners are seized for illegal excavation and transportation of the sand. As far as imposition of penalty and the amount is concerned, the petitioners have remedy of Appeal. The petitioners may avail the remedy of Appeal. The present petitions are only to the extent of seizure of the vehicle and for the prayers for release of the vehicle.

3. It appears that, the Tahasildar was also a party for seizure of the tractor. Considering that tractor would be lying idle and it will not be in anybodies interest to keep the tractor idle, we would allow the release of the tractor on following conditions:

(i) The petitioners in each of these petitions shall deposit an amount of Rs.1,00,000/- for release of tractor.

(ii) In addition to the deposit of

Rs.1,00,000/- for release of tractor, petitioners shall also deposit Rs.50,000/- each with the Authority.

4. Upon deposit of this amount, the Authority shall release the tractor after identifying its legitimate owner, after verifying the documents and on petitioners' submitting the bond. In case of breach of the condition of the bond, the respondents will have every right to re-possess the vehicle.

5. As far as the amount and the penalty claimed by respondent-Authority is concerned, the petitioner may take up proceedings as may be permissible in law.

6. Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE