

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

975 WRIT PETITION NO.7042 OF 2019

RAJENDRA HARIBHAU SABALKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO.3562 OF 2019

BANDU S/O GANESH ARDAD ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO.3963 OF 2019

MAHADEV S/O LAXMAN TALEKAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO.3724 OF 2019

MACHINDRA S/O TUKARAM PAGIRE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

WITH

WRIT PETITION NO.3683 OF 2019

SHAIKH ILYAS AKHALAK ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. A. B. Kharosekar, Advocate for the Petitioners.
Mrs. R. P. Gaur, AGP for Respondents-State.

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

DATED : 13th JUNE, 2019.

PER COURT:-

1. The Talathi has seized the vehicles on the ground of illegal excavation and transportation of sand.

2. This Court in Writ Petition No.10942 of 2018 under order dated 06.10.2018 held that the officer below the rank of Tahasildar is not competent to seize the vehicle.

3. As the seizure is conducted by an incompetent person, the said seizure would be inappropriate.

4. We make it clear that, we have entertained these petitions only to the extent of seizure. As far as penalty and fine is concerned, petitioners may prefer an Appeal against the concerned, if the same is imposed.

5. The respondents shall release the vehicles seized under panchanama dated 13.05.2019 (Exhibit-

C) after verifying the documents and identity of its owner, so also taking bond as to the satisfaction of respondents.

6. Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/June-19