

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3725 OF 2019**

PANDURANG S/O KASHINATHRAO KSHIRSAGAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO.3721 OF 2019**

DEVIDAS S/O KASHINATH KSHIRSAGAR ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO.3728 OF 2019**

OMPRAKASH S/O DYNANOBARAO CHAVAN ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO.4938 OF 2019**

INDRAJIT S/O RAOSAHEB CHAVAN ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

**WITH
WRIT PETITION NO.4939 OF 2019**

RAMRAO S/O NARAYANRAO JADHAV ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

...
Mr. S. T. Veer, Advocate for the Petitioners.
Mrs. A. V. Gondhalekar, AGP for Respondents-State.

...
**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 02nd MAY, 2019.

PER COURT:-

1. In all these matters, petitioners challenge the seizure of the tractor and seek release without insisting any amount of penalty.

2. We have heard Mr. Veer, learned counsel for petitioners.

3. According to learned A.G.P. petitioners had even filed an appeal before the S.D.O. and the appeal is dismissed.

4. We would not enter into the merits of the matter with regard to the imposition of the penalty for illegal excavation of sand. The petitioners have remedy available under law of filing appeal and other proceedings.

5. We are entertaining the present petitions only to the extent of release of tractor.

6. 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.

7. 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.

8. 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.

9. Writ Petitions accordingly disposed of. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE