

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4023 OF 2019

KAILASH MACHINDRA PATIL

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. G.N. Kulkarni, Advocate for Petitioner
Mr. K.B. Jadhavar, AGP for Respondents-State

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 26th SEPTEMBER, 2019

ORAL ORDER:

1. As far as the amount of fine and penalty is concerned, petitioner has remedy of appeal.
2. We would consider the present petition only to the extent of seizure of the vehicle.
3. It is submitted that seizure of the vehicle is by Talathi under panchanama dated 08.07.2018.
4. In view of the provision of section 47 (8) of the Maharashtra Land Revenue Code, a person below rank of Tahsildar,

is not authorized to seize the vehicle. The fine of Rs. 1,00,000/- is also imposed upon the petitioner.

5. Considering the above, we pass the following order :-

(i) The respondents shall release the vehicle as seized under the panchanama dated 08.07.2018 (Page 14) upon confirming the documents, its genuineness and the ownership of the petitioner. The respondents may also get the bond executed to their satisfaction.

(ii) The petitioner shall also deposit Rs. 50,000/- (Rupees Fifty Thousand) with the respondents-authorities prior to taking the vehicle in his possession. The deposit of Rs. 50,000/- shall be without prejudice to the rights and contentions of either parties and the same shall be subject to the decision that would be taken by the Appellate Authority in appeal that may be filed by the petitioner.

(iii) If the petitioner does not file any appeal, then the respondents may recover the amount as may be permissible in law.

6. The writ petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

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