

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

5 WRIT PETITION NO.4402 OF 2019

BHIMASHANKAR LAXMAN WANKHEDE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

..

Mr. Shailendra S. Gangakhedkar, Advocate for the
Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

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

DATED : 16th JULY, 2019.

PER COURT:-

1. The learned counsel submits that the vehicle of the petitioner has been seized by the Talathi. He has no authority to seize the vehicle under Section 48 (8) of the Maharashtra Land Revenue Code. The person below the rank of Tahasildar is not authorized to seize the vehicle.

2. The learned counsel also submits that the penalty could not have been imposed by respondent-Authority. As far as imposition of penalty is concerned, the petitioner may avail the remedy of appeal.

3. As the seizure of the vehicle is done by a person without authority, we are entertaining the

writ petition only to the extent of seizure of vehicle.

4. The respondent shall release the vehicle seized under panchanama dated 04.02.2019 (Page 29) upon verification of documents and the confirmation of ownership of the petitioner. The respondent shall also be entitled to get the bond executed from the petitioner to its satisfaction.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE