

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

**WRIT PETITION NO. 4463 OF 2019**

Vitthal Sukhdev Choudhari .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

Shri Rakesh N. Jain, Advocate for the Petitioner.

Shri V. M. Kagane, A. G. P. for Respondent Nos. 1 to 4.

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

**DATE : 22ND JULY, 2019.**

**FINAL ORDER :**

. The learned counsel for the petitioner submits that, the vehicle of the petitioner has been seized under panchanama dated 13.01.2019. The FIR has not been registered against the petitioner. This is for the first time vehicle of the petitioner is seized. The petitioner has not committed any illegal act.

2. The learned Assistant Government Pleader for respondents submits that, illegal transportation of sand was carried out by the petitioner in the said vehicle. The penalty is also imposed upon the petitioner.

3. As far as penalty is concerned, the petitioner may have

remedy of appeal. We would entertain the petition only to the extent of seizure of the vehicle. The vehicle, it appears is seized by the Talathi. He is not competent authority under the Act to seize the vehicle.

4. Considering the above, the respondents shall release the vehicle of the petitioner seized under panchanama dated 13.01.2019 after verifying the documents and ownership of the petitioner. The respondent/authority is also entitled to get the bond executed to its satisfaction.

5. In view of the above, the writ petition is disposed of. No costs.

**[MANGESH S. PATIL, J.]**

**[S. V. GANGAPURWALA, J.]**

*bsb/July 19*