

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

989 WRIT PETITION NO.7054 OF 2019

RAJENDRA MOHANRAO PATHARE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Sonwane Mahesh R.  
Advocate for Respondent/State: Mr. K.N. Lokhande

...

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

**DATE : 20.06.2019**

**PC. :-**

We would be entertaining the present writ petition only to the extent of seizure of vehicle as far as penalty and fine is concerned the petitioner may invoke the appellate remedy.

2. We have heard the learned advocate for the petitioner and the learned A.G.P.

3. It appears that the vehicle is seized under a panchanama dated 04.08.2018 by the Circle Officer. He is not a Competent Cuthority as per the provisions and statute and as held by this Court in catena of judgments. In the result we pass the following order:

**ORDER**

- i) The respondents shall release the vehicles seized under the panchanama dated 04.08.2018 (Page 19) after verifying the documents and confirming the identity of the person so also its ownership.
- ii) The respondents may also take a bond from the petitioner to their satisfaction. The present order is only limited to the extent of release of vehicle only.
- iii) As observed above the petitioner is at liberty to take appellate proceedings against fine / penalty amount.
- iv) Writ petition is disposed of. No costs.

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