

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

1013 WRIT PETITION NO.5293 OF 2019

SHRIRANG GALSINGH ADHE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTA AND ORS

..RESPONDENTS

...

Mr. Anup R. Nikam, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

...

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

DATED : 13th JUNE, 2019.

PER COURT:-

1. The petitioner seeks release of vehicles.
2. Heard learned counsel for the petitioner. The affidavit-in-reply is filed by the Tahasildar, Selu. In the affidavit it is said by the Tahasildar that the incident had taken place on 27.3.2018 in the night and the tractors could not be identified by their exact numbers. During the investigation in Crime No.24/2018 police department found that the tractors and trolleys which were used on that day is of the petitioner having registration number as mentioned in the prayer clause. Upon the petitioner approaching the J.M.F.C., Selu, the order is passed by the J.M.F.C., Selu releasing the vehicle on certain

conditions. Thereafter, under Section 48(7) and (8) of the Maharashtra Land Revenue Code the vehicles are seized.

3. It appears that, there is no panchanama. The J.M.F.C., Selu has already directed release of the vehicles. The vehicles are lying idle. As far as imposition of fine and penalty is concerned, it is the prerogative of the revenue authority to consider the same and if at all the fine and the penalty is imposed, the petitioner has remedy of filing appeal against the same.

4. We are only considering the petition to the extent of release of vehicles. It does not appear that there is panchanama drawn.

5. Considering the above, we are inclined to allow the release of vehicles to certain terms and conditions.

6. The vehicles as prayed in the prayer clause and accepted by the respondents as referred to in the affidavit, shall be released upon verifying the documents and the ownership of the petitioner of the said vehicles. The petitioner shall also execute bond to the extent of the amount and satisfaction of the authority.

7. The petitioner shall also abide by the terms and conditions imposed by J.M.F.C., Selu

while directing the release of vehicles in Crime No.24/2018.

8. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/June-19