

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

WRIT PETITION NO. 6688 OF 2019

Arif Babulal Shaikh

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Majit S. Shaikh, Advocate for the Petitioner.

Shri S. D. Ghayal, A.G.P. for Respondent Nos. 1 to 5.

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

DATE : 11TH JUNE, 2019.

FINAL ORDER :

. The petitioner seeks release of vehicle.

2. The learned counsel for the petitioner submits that, as far as penalty and fine is concerned, the petitioner has availed remedy of appeal. This petition is restricted to the extent of release of vehicle.

3. It appears that, seizure of the vehicle is at the behest of the Talathi. Under Sec. 48(8) of the Maharashtra Land Revenue Code, seizure is required to be made by a person not below the rank of Tahsildar. Same is also considered by this Court vide

judgment and order dated 06.10.2018 in Writ Petition No. 10942 of 2018.

4. In the light of the above, the impugned order is quashed and set aside. The respondents are directed to release the seized vehicle under the panchanama after verifying the documents and confirming about the ownership of the vehicle that of the petitioner.

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

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 19