

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

5 WRIT PETITION NO.6717 OF 2019

VASANT SHANKAR PAGARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Sachin Deshmukh h/f M.S.Shaikh, Advocate for
Petitioner.
Mr. P.K.Lakhotiya, AGP for Respondents-State.
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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 2nd July, 2019

PER COURT :-

1. Mr. Deshmukh, the learned counsel submits that the Sessions Judge has directed to hand over the seized vehicle under panchnama dated 27.06.2018, in the custody of the Tahsildar. The Tahsildar has taken action under Section 48(8) of the Maharashtra Land Revenue Code. The seizure panchnama is illegal. The same is prepared by the Circle Officer below the rank of Tahsildar. He does not have any authority to seize the vehicle.

2. Mr. Lakhotiya, the learned AGP submits that the petitioner has already filed an appeal against the fine and

penalty imposed upon the petitioner. The same is pending. The SDO would take decision upon the release of vehicle also.

3. The Sessions Court in Criminal Revision No.36 of 2018, under order dated 04.09.2018, has directed the Police Inspector, Kopargaon Taluka Police Station to hand over the seized vehicle in the custody of Tahsildar, Kopargaon. Further it appears that the penalty and fine has been imposed upon the petitioner. Appeal against the same is pending. Naturally, the Appellate Authority would decide the appeal on its own merits. It will be for nobody's interest to keep the vehicle idle. Considering the order passed by the Sessions Court and also the appeal against the penalty pending before the Appellate Authority, we pass the following order :

ORDER

(a) The petitioner shall deposit Rs.1,00,000/- (Rupees One Lakh only) with the respondent-authority without prejudice to the rights and contentions of either of the parties. Upon deposit of Rs.1,00,000/-, the respondent shall release the vehicle to the petitioner after confirming and verifying the documents of the seized vehicle and the ownership of the petitioner, so also the

respondent may take a bond to their satisfaction at the time of release of vehicle. The petitioner shall produce the vehicle before the Revenue Authorities and before the court as and when directed to produce the said vehicle.

4. The Writ Petition is accordingly disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-