

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

WRIT PETITION NO.7349 OF 2019

**VILAS DADARAO KHANDHALE
VERSUS
STATE OF MAHARASHTRA AND ORS**

...

WITH

WRIT PETITION NO.7402 OF 2019

**KALYAN DNYANDEO HIWALE
VERSUS
STATE OF MAHARASHTRA AND ORS**

...

WITH

WRIT PETITION NO.9344 OF 2019

**MOHASIN HAMID SHAHANEDIWAN
VERSUS
STATE OF MAHARASHTRA AND ORS**

...

WITH

WRIT PETITION NO.9388 OF 2019

**SANDEEP NAGRAJ MASHALE
VERSUS
STATE OF MAHARASHTRA AND ORS**

...

**Adv.A.B.Kharosekar for petitioners
AGP for respondent State : S.G.Karlekar**

...

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

DATE : 08/08/2019

PER COURT :

The petitioners seek release of vehicle so also challenge the show cause notice regarding penalty.

2] We have heard the learned counsel for the petitioners and the learned Addl.G.P. for respondent. According to the learned AGP the vehicles of the petitioners were involved in illegal transportation of the sand. The same is prohibited. Illegality has been committed by the petitioners. The penalty has been rightly imposed.

3] From the panchanamas it appear that the vehicles have been seized by the Talathi and the Circle Officer. This Court in catena of judgments has held that seizure of the vehicle by a person below the rank of Tahsildar is not permissible.

4] We are entertaining the present Petitions only to the extent of seizure of vehicles. As far as penalty is concerned, the petitioners have remedy of appeal. The petitioners may avail the remedy of filing of appeal.

5] Considering the above, we pass the following order :

I] The respondent shall release the vehicles seized of the petitioners under the panchnamas as

detailed in the respective Writ Petitions after verifying the ownership of the petitioners and the documents. The respondent may also get the bond executed from the petitioners to their satisfaction.

6] Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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