

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

WRIT PETITION NO. 7509 OF 2019

Madhavrao Raosaheb Koli

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri G. N. Kulkarni, Advocate Shri Vinod S. Khairnar, Advocate
for the Petitioner.

Shri S. B. Nanoade, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 05TH SEPTEMBER, 2019.

FINAL ORDER :

. The vehicle of the petitioner is seized on the ground of illegal transportation of sand. Fine and penalty is also imposed upon the petitioner.

2. According to the learned counsel for the petitioner, the vehicle is seized by the Circle Officer. He has no authority under the M. L. R. Code to seize the vehicle. Whereas, according to the learned Assistant Government Pleader, the vehicle is seized under the orders of the Sub Divisional Officer. The fine of Rs. 1,00,000/- (Rs. One Lac only) is imposed upon the vehicle. So also penalty is imposed for illegal excavation and transportation

of sand. As it is seized by the Circle Officer, same is without jurisdiction.

3. As far as fine and penalty is concerned, the petitioner has got remedy of appeal. The petitioner may avail the remedy. Present petition is restricted to the extent of release of vehicle.

4. In the light of the above, we pass following order.

5. The respondents shall release the vehicle seized under the panchanama dated 31.03.2019 after verifying the documents of ownership of the petitioner. The respondents are entitled to get the bond executed from the petitioner to their satisfaction. The petitioner shall also deposit an amount of Rs. 50,000/- (Rs. Fifty thousands only) with the respondents. The said deposit shall be subject to the decision that would be given by the appellate authority in case the petitioner files an appeal.

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

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]