

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

82 WRIT PETITION NO.7641 OF 2019

ASHOK NAGORAO KADAM

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Mahesh P. Kale, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondents-State.

...

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

DATED : 9th JULY, 2019.

PER COURT:-

1. Mr. Kale, learned counsel for the petitioner submits that the petitioner is owner of the vehicle which has been seized by respondent-Authority. The Authority who seized the vehicle does not have power.

2. The learned A.G.P. submits that the petitioner should deposit Rs.1,42,130/- that is price of the vehicle. Earlier also the bond was executed when the vehicle was caught in the illegal transportation of the sand. The bond has been breached.

3. It appears that, initially the same vehicle was involved in the illegal transportation

of the sand and for which bond was executed by Mr. Bharat Sambhaji More in November 2018. The conditions of the bond has been violated. Again the said vehicle is involved in the act of illegal transportation of the sand. The petitioner contends that he is the owner of the vehicle. Naturally, it is only with his consent the said Mr. Bharat Sambhaji More must have taken the vehicle.

4. Considering that vehicles would be lying idle and it will not be in anybodies interest to keep the vehicles idle, we would allow the release of the vehicles on following conditions:

(i) The petitioner shall deposit an amount of Rs.1,40,000/- that is the value of the vehicle for release of vehicle.

5. The learned counsel submits that the petitioner has deposited the amount of fine and penalty. Even otherwise, the petitioner has remedy of appeal against the same.

6. Upon deposit of amount of Rs.1,40,000/- as directed under letter dated 11.06.2019 (Exhibit-H Page 30), the Authority shall release the vehicle after identifying its legitimate owner, after verifying the documents and by executing bond from the petitioner to the satisfaction of the authority.

7. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/July-19