

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7677 OF 2019

MAHADEO LAXMAN ZIPURDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. S. P. Salgar h/f.
Mr. Gaware Niteen V.

AGP for Respondents : Mr. R. B. Bagul

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

DATE: 25th JUNE, 2019

PER COURT:

1. The present petition would be considered only to the extent of release of vehicle. As far as penalty is imposed, the petitioners may avail the remedy of appeal.

2. Mr. Salgar, learned counsel for the petitioners submits that the vehicle is seized by the Circle Officer and as per Section 48(8) of the Maharashtra Land Revenue Code, 1966 no person below the rank of Tahsildar is empowered to seize the vehicle.

3. The learned A.G.P. accepts notice for all the respondents.

4. Considering the fact that the vehicle has been seized by a person below the rank of Tahsildar who was not competent to seize the vehicle, we pass following order -

ORDER

I] The respondents shall release the vehicle seized under the Panchanama dated 13.03.2019 (*Exhibit - D, Page No. 22*), after verifying the documents of ownership and confirming ownership of the petitioners.

II] The respondents are also entitled to get the bond from the petitioners to their satisfaction.

III] As far as fine and penalty is concerned, the petitioners may have recourse to the remedy of appeal.

5. Writ Petition is disposed of accordingly. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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