

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

72 WRIT PETITION NO.7939 OF 2019

DEEPAK SAHEBRAO CHAUDHARY ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Girish Kulkarni h/f Mr. Vinod S. Khairnar,
Advocates for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

...

WITH

90 WRIT PETITION NO.7964 OF 2019

CHANDRABHAN MADHUKAR PATIL ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Girish Kulkarni h/f Mr. Vinod S. Khairnar,
Advocates for the Petitioner.

Mr. V. M. Kagne, AGP for Respondents-State.

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

DATED : 1st JULY, 2019.

PER COURT:-

1. The learned counsel for petitioners submits that the vehicles of petitioners have been seized by the Circle Officer and he has no authority under law.

2. The learned A.G.P. waives notice for all respondents and submits that the vehicles of petitioners shall be intercepted for illegal transportation of sand.

3. It has been held by this Court that the officer below the rank of Tahasildar is not competent to seize the vehicle.

4. As the seizure is conducted by an incompetent person, the said seizure would be inappropriate.

5. We make it clear that, we have entertained these petitions only to the extent of seizure. As far as penalty and fine is concerned, petitioners may prefer an Appeal against the penalty and fine, if the same is imposed.

6. The respondents shall release the vehicles seized under panchanama after verifying the documents and identity of its owner, so also taking bond to the satisfaction of respondents.

7. Writ Petitions are disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE