

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

1053 WRIT PETITION NO.7913 OF 2019

**JEEVAN MAROTI VARPADE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**...
Advocate for Petitioner : Gangakhedkar Shailendra
AGP for Respondents: P.K.Lakhotia**

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

DATE : 02/08/2019

PER COURT :

The JCB machine of the petitioner is seized under the order dated 22/3/2019 on the ground of illegal excavation and transportation of the sand.

2] We have heard the learned counsel for the petitioner and the learned AGP. Even otherwise, keeping the JCB idle would be in nobody's interest. At the same time, interest of respondent will also have to be safeguarded.

3] We would only consider the present petition to the extent of release of the JCB machine.

4] The respondent shall after confirming the ownership of the petitioner and verifying the documents, release the JCB machine as referred to in prayer clause pursuant to the order dated 22/3/2019 and seizure panchanama. The petitioner shall pay fine of Rs.3 lakhs to the respondents without prejudice to the rights and contentions of

either parties. The petitioner is entitled to file appeal against the order of fine. The amount deposited by the petitioner shall be adjusted in tune with the order that would be passed by the appellate authority.

5] It is also made clear that the respondent is entitled to get the bond executed from petitioner to its satisfaction.

6] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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