

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

107 WRIT PETITION NO.8198 OF 2019

ASLAM MOHMAD LAKHPATI ALIAS ASLAM MAHEBUB SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Dhanure Bramhanand M.
AGP for Respondents/State : Mr. K.B. Jadhavar

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 15.07.2019

P.C. :-

As far as fine and penalty is concerned the petitioner has got a remedy of an appeal. The petitioner may avail the said remedy as may be permissible in law. We are entertaining the petition only to the extent of seizure of vehicle.

2. Heard the learned counsel for the petitioner and the learned A.G.P.

3. The vehicle of the petitioner is seized under a Panchanama dated 21.06.2019. The vehicle is seized by Talathi. It is submitted by the learned A.G.P. it is also seized in the presence of Naib Tahsildar.

4. It is held by this Court in catena of orders that a person below the

rank of Tahsildar does not have the right to seize the vehicle under Section 48 of the MLRC. Perusing the panchanama it appears that the seizure panchanama is by the Circle Office and the Talathi.

5. Considering the above we pass the following order:

ORDER

- i) The respondents shall release the vehicle of the petitioner seized under the panchanama after verifying the documents and confirming the ownership of the petitioner.
- ii) The respondents may also seek a bond to their satisfaction before release of the vehicle, as far as fine and penalty is concerned the petitioner may consider a remedy as may be permissible in law.
- iii) Writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]