

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

961 WRIT PETITION NO.8174 OF 2019

**VILAS MUKUND GAWALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : Girish Wani h/f Khairnar Vinod S
AGP for Respondents: K.N.Lokhande**

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

DATE : 04/07/2019

PER COURT :

The vehicle of the petitioner is seized under the panchanama dated 12/3/2019 for illegal transportation/excavation of sand.

2] The learned counsel for petitioner submits that the vehicle has been seized by the Circle Officer. He has no authority under the law to seize the vehicle. The penalty is also imposed upon the petitioner.

3] We have also heard learned AGP for all respondents.

4] It appears that the vehicle has been seized by the Circle Officer. It has been held by this Court in catena of judgments that a officer below the rank of Tahsildar does not have authority to seize the vehicle.

5] As far as imposition of penalty is concerned, petitioner has remedy of appeal. The petitioner may avail the said remedy.

6] The respondents shall release the vehicle seized under

panchanama dated 12/3/2019 (Exh. B page 13) after verifying the documents of ownership and identity of the person so also after getting the bond executed to their satisfaction.

7] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

umg/