

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

119 WRIT PETITION NO.9323 OF 2019

**ISHWAR DAMU BHARUDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE ADDITIONAL
TAHSILDAR PIMPALNER**

...
Advocate for Petitioners : Mr. Jain Gajendra Devichand
AGP for Respondent: Mr. V.M. Kagne
...

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

DATE : 06/08/2019

PER COURT :

1. The vehicles of the petitioners are seized for illegal transportation of the sand. The penalties are also imposed upon the petitioners. As far as the penalties are concerned, the petitioners may avail the remedy of appeal. We have entertained the present petition only to the extent of seizure of vehicles.

2. It is the contention of the petitioners that the vehicles are seized under the panchanama by the Talathi and he is not authorized. According to the respondents under the panchanama the vehicles are seized by the Talathi but the possession receipt is got executed by the Additional Tahsildar.

3. It would also not be in anybody's interest to keep the vehicles idle. At the same time the interest of the respondent shall also have been protected.

4. In light of the above, we pass the following orders:

- i. The respondent shall release the vehicles seized under panchanama dated 17.11.2018 upon verifying the documents and confirming about the ownership of the petitioners.
- ii. The respondents shall also get executed the bonds individually from each petitioners to its satisfaction.

5. Writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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