

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

947 WRIT PETITION NO.8405 OF 2019

VIKAS ALIAS PAPPU ANANDA THUBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. M.R.Sonwane, Advocate for Petitioner.
Mr. K.N.Lokhande, AGP for Respondents-State.
...

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

DATE : 10th July, 2019

PER COURT :-

1. The counsel submits that the vehicle of the petitioner is seized by the Circle Officer. He has no authority to seize the vehicle. According to the learned counsel, the petitioner has not indulged in any illegal transportation of sand. The learned AGP accepts notice for all the respondents-State.

2. It has been held by this Court that a person below the rank of Tahsildar does not have authority to seize the vehicle. The vehicle is seized by the Circle Officer.

3. We are restricting this matter to the extent of the seizure of the vehicle. The respondents are at liberty to take

steps with regard to the penalty and fine and if the same is imposed, the petitioner has remedy of an appeal against the same.

4. The respondent shall release the vehicle seized under panchnama, dated 11.07.2018 (Exh-A, Page No.16), after verifying the documents and confirming the ownership of the petitioner, so also getting the bond executed to the satisfaction of the authority.

5. The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-