

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

951 WRIT PETITION NO.8648 OF 2019

**RAJENDRA ASHOK JAGTAP
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : G.N.Kulkarni h/f Khairnar Vinod S
AGP for Respondents: S.B.Yawalkar**

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

DATE : 17/07/2019

PER COURT :

The learned counsel for petitioner submits that the vehicle of the petitioner is seized under Section 48(8) of the Maharashtra Land Revenue Code by Circle Officer. The Circle Officer shall not have any power to seize the vehicle. The learned counsel further submits that no criminal case is filed. The petitioner has also not filed any appeal against the said order.

2] If any fine and penalty is imposed, the petitioner may avail the remedy of appeal.

3] We are only entertaining the Petition to the extent of seizure of vehicle under Section 48(8) of the Maharashtra Land Revenue Code. The Officer below the rank of Tahsildar does not have jurisdiction to seize the vehicle. As is also held by this Court in catena of judgments.

4] Considering the above, we pass the following order :

I] The respondents shall release the vehicle seized under the Panchanama (Exh.B page 16) after confirming the ownership and the documents, so also getting bond executed from the petitioner to their satisfaction.

5] If any fine or penalty is imposed, the petitioner may avail remedy of appeal.

6] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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