

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8698 OF 2019

SATISH AANASAHEB KHANDAGALE ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHES ...RESPONDENTS

Mr. S.G. Jadhavar, Advocate for Petitioner
Mr. V.M. Kagne, AGP for Respondents-State

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 06th SEPTEMBER, 2019

ORAL ORDER:

1. Mr. Jadhavar, the learned Counsel for the petitioner submits that the petitioner has communicated with the respondent authority that the petitioner is ready to deposit an amount of Rs. 1,54,292/- and requested to release the vehicle. The authority has not accepted this amount.

2. Mr. Kagne, the learned Assistant Government Pleader submits that in fact, the total amount of fine ought to be Rs. 2,54,292/-. The same was wrongly calculated. The petitioner has not even deposited the total amount as directed in the show cause notice.

3. We would restrict the present petition to the extent of release of vehicle. As far as fine amount of the petitioner is concerned, the petitioner may avail the remedy available to him. It would not be in the interest of any party to keep the vehicle idle. The petitioner has also shown some bona fides of deposits of Rs. 1,54,292/-.

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

(i) The respondents shall release the vehicle of the petitioner as detailed in the notice dated 18.07.2013 (Page 17) upon the petitioner paying Rs. 1,54,292/- with the respondent, so also, after confirming and verifying the documents and the ownership of the petitioner. The respondent can also get bond executed from the petitioner.

(ii) The amount of Rs. 1,54,292/- deposited by the petitioner shall be subject to the decision that would be taken by the appellate authority in the appeal that would be filed by the petitioner against fine and penalty.

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

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE