

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

WRIT PETITION NO. 8982 OF 2018

Md Azam Md Ismail

....Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. H.I. Pathan, Advocate for Petitioner
Mr. K.B. Jadhavar, Assistant Government Pleader for
Respondent/State

**CORAM : S.V. GANGAPURWALA AND
A.M. DHAVALA, JJ.**

DATE: 15th JANUARY, 2019

PER COURT

1. It is submitted by the learned Assistant Government Pleader that the vehicle is seized by the Regional Transport Officer. Mr. Pathan, the learned Counsel for the petitioner submits that the vehicle was seized by Tahsildar. The penalty has been paid as levied by the Tahsildar and is entitled for the release of the vehicle.

2. In the Petition, the prayer is made for direction against the Regional Transport Officer, Parbhani to release the vehicle.

3. The Sub Divisional Officer after confirming that the penalty has been paid and after confirming the said undertaking, shall issue 'no objection certificate' for release of the vehicle to the petitioner. The petitioner, thereafter may move the authority Under Section 207 (2) of the Motor Vehicles Act, 1988 for release of the vehicle. The authority shall consider the case on its own merits and take decision upon it. If the vehicle is required in registered crime, then the petitioner shall approach the concerned Judicial Magistrate First Class/Chief Judicial Magistrate.

4. With regard to the compensation claimed by the petitioner, the petitioner has substantive remedy available.

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

(A.M. DHAVAL, J.) (S.V. GANGAPURWALA, J.)

mta