

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

986 WRIT PETITION NO.9121 OF 2019

GOPICHAND JAGANNATH PALHARE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Shailendra S. Gangakhedkar, Advocate for the
Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

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

DATED : 01st AUGUST, 2019.

PER COURT:-

1. Mr. Gangakhedkar, learned counsel for the petitioner submits that the JCB machine of the petitioner has been seized by the respondents. The petitioner has not indulged into any illegal act and also the penalty is imposed. The petitioner has not filed any appeal.

2. We have heard learned A.G.P.

3. It appears that JCB machine has been seized by Talathi under Section 48(8) of the Maharashtra Land Revenue Code, 1966. The person below the rank of Tahasildar is not authorized to seize the vehicle.

3. We have entertained the petition only to the extent of seizure of the JCB machine. As far as penalty is concerned, the petitioner may avail remedy of appeal.

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

ORDER

i. The respondent shall release the JCB machine seized under panchanama dated 26.05.2019 (Exhibit-C) upon verification of documents and the confirmation of ownership of the petitioner. The respondent shall also be entitled to get the bond executed from the petitioner to its satisfaction.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE