

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

58 WRIT PETITION NO.9534 OF 2019

KAILAS SUKHDEV PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Rakesh Nemichandji Jain, Advocate for the
Petitioner.

Mr. S. N. Morampalle, AGP for Respondents-State.

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

DATED : 21st AUGUST, 2019.

PER COURT:-

1. The learned counsel for the petitioner submits that the Talathi has seized the vehicle of the petitioner. The petitioner was not transporting the minor minerals unauthorizedly. The Talathi has no jurisdiction to seize the vehicle.

2. The learned A.G.P. submits that as the petitioner was transporting sand illegally, the vehicle has been rightly seized.

3. The present petition is restricted to the extent of release of vehicle. If any fine/penalty is levied, the petitioner may avail remedy of Appeal.

4. From the panchanama it appears that, the vehicle is seized by the Talathi. It has been held in the catena of judgments that the officer below the rank of Tahasildar does not have jurisdiction to seize the vehicle.

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

ORDER

i. The respondents shall release the vehicle of the petitioner seized under panchanama dated 15.06.2019 (Exhibit-B, Page No.12) after verifying the documents and confirming the ownership of the petitioner. The respondents shall get the bond executed to their satisfaction.

6. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE