

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
1093 WRIT PETITION NO.9469 OF 2019**

GAJANAN SARJERAO GUJAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Dewadatt D. Deshmukh, Advocate for the
Petitioner.

Mr. S. P. Tiwari, AGP for Respondents-State.

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

DATED : 27th SEPTEMBER, 2019.

PER COURT:-

1. This is second time the vehicle of the petitioner is involved in the illegal excavation and transportation of the sand. On the previous occasion fine of Rs.72,000/- was imposed upon the petitioner. The petitioner deposited the fine. Again this time vehicle is involved for the same act. The fine of Rs.1,00,000/- is imposed upon the vehicle and penalty on the value of the minor mineral.

2. The affidavit is filed. It is nowhere stated that earlier bond was got executed from the petitioner.

3. It is submitted that vehicle has been seized by the Circle Officer.

4. We would entertain the petition only to the extent of seizure of the vehicle. As far as fine is concerned, the petitioner may avail remedy of appeal.

5. The petitioner shall deposit an amount of Rs.50,000/- (Rs. Fifty Thousand Only) with respondent-Authority. On deposit of amount, respondent-Authority shall release vehicle seized under panchanama dated 19.06.2019 (Page No.14) upon verification of the documents and confirming the ownership of the petitioner. The respondent may also get bond executed to their satisfaction.

6. The deposit of amount as directed by the Court would be subject to the decision that would be taken by the Appellate Authority in the Appeal that may be filed by the petitioner.

7. In case, petitioner does not file the Appeal, the Authorities are entitled to recover the amount as per the order and take further steps with regard to the vehicle.

8. Writ Petition is disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE