

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9692 OF 2019

DILIP HARI GOLHAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Deshmukh Dewadatt D
AGP for Respondents : Mr. K. B. Jadhavar

...

WITH

WRIT PETITION NO. 9750 OF 2019

RAJU SAMSHER PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Deshmukh Dewadatt D.
AGP for Respondents : Mr. K. B. Jadhavar

...

CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, J.

DATE: 14th AUGUST, 2019

PER COURT:

1. The vehicles of the petitioners are seized under the panchanama referred to in the writ petitions. The penalty is also imposed for illegal transportation of the sand.

2. As far as penalty is concerned, we are not entertaining the writ petitions. The petitioners may resort to the remedy of appeal available under the law.

3. In the affidavit it is stated that even fine is imposed upon the vehicles. It is not disputed that the seizure is by Circle Officer and the Talathi. It has been held by this Court in catena of orders that the seizure of the vehicle U/Sec. 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 cannot be a person below the rank of Tahsildar.

4. Considering the above, we pass the following order.

5. The respondents shall release the vehicles seized under the panchanama as detailed in the writ petitions upon verifying the documents and the ownership of the petitioners. The respondents can get the bonds executed to their satisfaction. The petitioners shall also deposit Rs.50,000/-

(Rs. Fifty Thousand only) each with the respondent / authority towards the fine of the vehicles. The same shall be without prejudice to the rights and contentions of the parties. As far as penalty is concerned, the petitioner may file an appeal before the appropriate authority.

6. The writ petitions are accordingly disposed of. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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