

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
110 WRIT PETITION NO.9847 OF 2019

GAJANAN ASHOKRAO DESHMUKH AND ANOTHER
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr Shinde Dhananjay M.
 AGP for Respondents State: Mr S B Yawalkar

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

DATE : 4th September, 2019

ORDER:

1. Vehicle of the petitioner has been seized. Learned AGP submits that if the petitioner is ready to give solvency of market value of the vehicle, the vehicle can be released.

2. It appears that seizure of the vehicle is at the hands of Circle Officer. The same is without authority. It has been held by this Court in catena of orders that seizure under section 48(7) and (8) of the Maharashtra Land Revenue Code cannot be by an officer below the rank of Tahsildar.

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

O R D E R

"The respondents shall release vehicle of the petitioner seized under Panchanama dated 16.05.2019

(Exh.G page 36) upon confirmation of ownership of the petitioner and verification of documents. The respondents can get the bond executed to their satisfaction from the petitioner.

4. Writ petition is disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC