

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

103 WRIT PETITION NO.10271 OF 2019

RADHESHYAM BHAUSAHEB GIRAM

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. A. B. Kharosekar, Advocate for the Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 10th DECEMBER, 2019.

PER COURT:-

1. Heard learned counsel for the petitioner and learned A.G.P.

2. It is accepted by the Authorities that the FIR has not been lodged. The vehicle is not seized by the Authority as required under Section 48(8) of the Maharashtra Land Revenue Code. The fine is also imposed upon the petitioner.

3. As far as fine and penalty is concerned, the petitioner would avail the remedy of appeal. We would entertain the petition only to the extent to seizure of vehicle. The petitioner has also been imposed fine of Rs.1,00,000/- on the vehicle.

4. Considering the aforesaid, we pass the following order:

ORDER

- i. The respondents shall release the vehicle seized on 10.06.2019 (Page No.12) upon the petitioner submitting necessary bond to the satisfaction of the Authorities and also paying Rs.40,000/- towards the fine of the vehicle without prejudice to the rights and contentions of either parties. The authorities shall verify the documents and ownership of the petitioner. The petitioner may file an appeal with regard to the fine and penalty. The deposit of the amount pursuant to the present order would be subject to the decision in the appeal.
 - ii. In case, the petitioner does not file an appeal within a reasonable time, then respondents may take steps to recover the amount of fine, so also take action as against the vehicle.
5. With the aforesaid observations, writ petition accordingly disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE