

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 10404 OF 2019

Radheshyam S/o. Laxman Kolhe & Anr. Petitioners

Versus

The State of Maharashtra & Ors. Respondents

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Appearance :-

Shri. S. S. Gangakhedkar, Advocate for the petitioners

Shri. P. S. Patil, AGP for respondent/State

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AND

WRIT PETITION NO. 10405 OF 2019

Sonaji S/o. Waman Pandit & Anr. Petitioners

Versus

The State of Maharashtra & Ors. Respondents

.....

Appearance :-

Shri. S. S. Gangakhedkar, Advocate for the petitioners

Shri. P. S. Patil, AGP for respondent/State

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CORAM : S. V. GANGAPURWALA

AND

ANIL S. KILOR, JJ.

DATE : 07TH OCTOBER, 2019

PER COURT:-

1. The petitioners seek release of their vehicles i.e. JCB machine bearing registration No. MH-20-FG-0698 in Writ Petition

No. 10404 of 2019 and Tractors bearing registration Nos. MH-20-EJ-9726 and MH-AY-8150 in Writ Petition No. 10405 of 2019.

2. The learned counsel for the petitioner submits that, the vehicles have been seized by the Talathi. He has no authority under the Maharashtra Land Revenue Code to seize the vehicles as on the date of panchanama was made. The learned counsel submits that, both JCB machine and Tractors involved in the present matters are seized for the first time and they were at no point of time involved in any of the activities, as complained by the respondents.

3. As far as fine and penalty is concerned, the petitioners may avail the remedy of appeal.

4. It is contended that, at the relevant time when the vehicles were seized by the Talathi, the Talathi did not have the authority. We pass the following order.

ORDER

- (a) As far as the amount of fine and penalty is concerned, the petitioners may avail the remedy of appeal.
- (b) The respondents may release the JCB machine and the Tractors seized as per the panchanama upon the petitioners paying an amount of Rs. 3.00 lakhs

(Rupees Three Lakhs) in Writ Petition No. 10404 of 2019 and Rs. 50,000/- for each vehicle in Writ Petition No. 10405 of 2019. The said payment of amount shall be subject to the further decision that may be taken by the appellate authority in an appeal filed by the petitioners.

- (c) The respondents shall, before releasing the vehicles, verify the documents and ownership of the petitioners. The respondents may also take bonds to their satisfaction.

5. In case the petitioners do not file an appeal before the appellate authority, the respondents are at liberty to take steps to recover the amount and so also as against the vehicles involved.

6. The Writ Petitions are disposed of. No costs.

[ANIL S. KILOR]
JUDGE

[S. V. GANGAPURWALA]
JUDGE