

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

99 WRIT PETITION NO.10828 OF 2019

DARSHANKUMAR SOMNING WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for petitioner : Shri A.B. Kharosekar
AGP for Respondents – State : Shri S.P. Tiwari

...
CORAM : S V GANGAPURWALA & AVINASH G. GHAROTE, JJ.
Dated: November 05, 2019

...
PER COURT :-

1. The Talathi has seized the vehicle on the ground of illegal excavation and transportation of sand.
2. This Court in Writ Petition No.10942 of 2018 under order dated 06.10.2018 held that the officer below the rank of Tahasildar is not competent to seize the vehicle.
3. As the seizure is conducted by an incompetent person, the said seizure would be inappropriate.
4. We make it clear that, we have entertained this petition only to the extent of seizure. As far as penalty and fine is concerned, petitioner may prefer an Appeal, if the same is imposed.
5. The respondents shall release the vehicle seized under panchanama dated 23.08.2019 (Exhibit 'C') after verifying the documents and identity of its owner, so also taking bond as to the

satisfaction of respondents.

6. Writ Petition is disposed of. No costs.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Gajanan