

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

28 WRIT PETITION NO.10907 OF 2019

AMJATKHA IMAMKHA PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH
42 WRIT PETITION NO.10935 OF 2019

AMJATKHA IMAMKHA PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr H I Pathan h/for Mr Kale
Mahesh P.

AGP for Respondents State: Mrs Geeta L Deshpande

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

DATE : 4th September, 2019

ORDER:

1. The vehicles of the petitioners in these writ petitions are seized. The petitioners had moved before the J.M.F.C.. The J.M.F.C. has passed an order directing the release of vehicles on certain terms and conditions. The Tahasildar also has powers to seize the vehicle under Section 48(7) and (8) of the Maharashtra Land Revenue Code. The said powers are also exercised by the Revenue Authority.

2. We have heard learned counsel for the petitioners and learned A.G.P.

3. It appears that the vehicles of petitioners are seized for illegal excavation and transportation of the sand. As far as imposition of penalty and the amount is concerned, the petitioners have remedy of Appeal. The petitioners may avail the remedy of Appeal. The present petitions are entertained to the extent of seizure of the vehicles and for the prayers for release of the vehicles.

4. Considering that vehicles would be lying idle and it will not be in anybody's interest to keep the vehicles idle, we would allow the release of the vehicles on following conditions:

(i) The petitioners in each of these petitions shall deposit an amount of Rs.1,00,000/- for release of vehicles.

5. Upon deposit of this amount, the Authority shall release the vehicles after identifying its legitimate owner, after verifying the documents and on petitioners' submitting the bond, so also after complying with all terms and conditions put forth by the J.M.F.C. while directing release of vehicles.

6. The deposit of Rs.1,00,000/- each with Revenue

Authority by petitioners would be without prejudice to the rights and contentions of either parties.

7. Writ Petitions are disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC