

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11065 OF 2019

BHARAT VITTHAL CHOUDHARI
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

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Advocate for Petitioner :
Mr. Jain Rakesh Nemichandji
AGP for Respondents : Mr. S. P. Tiwari

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

DATE: 01st OCTOBER, 2019

PER COURT:

1. The learned counsel for the petitioner submits that the vehicle of the petitioner has been seized by the Circle Officer, who is not competent authority U/Sec. 48(8) of the Maharashtra Land Revenue Code, 1966.

2. We have heard the learned A.G.P. also.

3. We would entertain the petition only to the extent of the seizure of the vehicle. As far as the penalty and fine is concerned, the petitioner may file an appeal.

4. It has been held in series of matters that a person below the rank of Tahsildar is not competent to seize the vehicle as on 11.01.2019.

5. In light of that, we pass the following order.

6. The respondents shall release the vehicle seized under Panchanama dated 10.01.2019 (*Page No. 11*) after confirming ownership and genuineness of the documents. The respondents shall also get the bond executed from the petitioner to their satisfaction.

7. The petitioner may file an appeal against the order imposing penalty and fine. In case, no appeal is filed, the respondents are free to recover the amount and also take steps with regard to the vehicle of the petitioner.

8. Writ Petition stands disposed of accordingly.
No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]
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