

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

WRIT PETITION NO.11424 OF 2018

Ganesh Rangnath Gavhane

...PETITIONER

VERSUS

The State of Maharashtra & ors.

...RESPONDENTS

.....
Shri S.P. Salgar, Advocate holding for
Shri N.V. Gaware, Advocate for petitioner
Mrs. G.L. Deshpande, A.G.P. for State
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**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATED : 17th January, 2019

ORAL ORDER :

1. We are entertaining the Writ Petition only to the extent of release of vehicle. As far as penalty is concerned, the petitioner has remedy of appeal. It appears that, the vehicle is seized by the Talathi and Circle Officer. The provision prescribes seizure of the vehicle by the person not below rank of Tahsildar. The same has been interpreted by this Court in Writ Petition No.2596/2018 and connected Writ Petitions.

2. Considering the above, the seizure is not proper. The respondents shall release the vehicle of the petitioner upon the petitioner executing bond of the value of the vehicle. With regard to the penalty, the petitioner shall file appeal before the appropriate forum. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

fmp/