

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

WRIT PETITION NO. 11707 OF 2019

Raghunath Khushaba Saundarmal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Ms. Yogini Digraskar, Advocate h/f Shri Dewadatta D.

Deshmukh, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 6.

**CORAM : S. V. GANGAPURWALA AND
 AVINASH G. GHAROTE, JJ.**

DATE : 18TH NOVEMBER, 2019.

FINAL ORDER :

. The vehicle of the petitioner is seized on the ground of illegal transportation of sand. The learned counsel for the petitioner submits that, the vehicle is seized by the Circle Officer. He has no authority under the law to seize the vehicle.

2. We have also heard the learned Assistant Government Pleader for respondent Nos. 1 to 6.

3. The amendment to Sec. 48 of the Maharashtra Land Revenue Code is made on 16.09.2019 providing delegation of powers to the Circle Officer also. However, here the seizure is prior to the amendment.

4. We are restricting the present petition to the extent of

seizure of vehicle. The petitioner may file an appeal to the extent of fine and penalty.

5. The petitioner will be required to pay some amount towards the penalty.

6. In the light of the above, we pass following order.

7. The petitioner shall pay an amount of Rs. 40,000/- (Rs. Forty thousands only) to the respondents towards the fine of the vehicle. Same shall be without prejudice to the rights and contentions of either of the parties and decision that would be taken by the Appellate Authority in an appeal that may be filed by the petitioner. On deposit of Rs. 40,000/-, the respondents shall release the vehicle of the petitioner involved under the panchanama dated 28.05.2019 (page 15). The respondents shall verify the documents and confirm about the genuineness of ownership of the petitioner before releasing the same. The respondents shall also get the bond executed from the petitioner.

8. In case, the petitioner does not file appeal within reasonable time, then the respondent are at liberty to take further steps for recovery of fine and penalty amount as per law.

9. In view of the above, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]
bsb/Nov. 19