

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

WRIT PETITION NO. 11354 OF 2018

Wajidkhan Ajikhhan Pathan & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr R. N. Jain, Advocate for the petitioners
Mrs V. N. Patil-Jadhav, AGP for respondent/State
Mr S. P. Salgar, Advocate for respondent No. 5

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 21ST JANUARY, 2019

ORAL ORDER:

1. The petitioner challenges the order passed by the Sub-Divisional Officer and seeks directions to release the vehicle.
2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader.
3. As far as the levy of penalty is concerned, the petitioner has alternate remedy available.

4. It is submitted that, the vehicle has been seized by the Circle Officer. Under the provisions of the law, it is only the officer not below the rank of Tahsildar who can seize the vehicle. As the vehicle is seized by the Circle Officer, the same is erroneous and cannot be sustained.

5. The respondents shall release the vehicle of the petitioner (Tipper bearing No. MH-38/D-9293) immediately upon the petitioner submitting a bond of the value of the vehicle to the respondent/authorities and on verification of the papers.

6. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde