

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

64 WRIT PETITION NO.12057 OF 2019

**KIRAN RAMBHAU SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Shri A.B. Kharosekar
AGP for Respondents / State : Smt G.L. Deshpande

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CORAM : S V GANGAPURWALA & AVINASH G. GHAROTE, JJ.
Dated: November 05, 2019

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PER COURT :-

1. Leave to add police authority as party respondent. The learned AGP waives notice for the added respondent.
2. The learned AGP, on instructions, submits that, in the present case FIR has not been lodged. The vehicle of the petitioner is seized under Section 48 of the Maharashtra Land Revenue Code on account of illegal transportation of minor minerals. It is submitted that, the vehicle is lying with the Police Station. In fact, if the FIR is not lodged, there is no propriety in keeping the vehicle with the police station. The communication is made to the Tahsildar by the Circle Officer to give the report about the quantum of the sand.
3. Considering the fact that, the Tahsildar has not seized the vehicle and as no FIR has been lodged, we pass the following order.

ORDER

- (i) The respondents shall release the vehicle seized of the petitioner as per the letter (page 16 to 19) on condition that, the

petitioner deposits Rs.One Lakh with the Tahsildar.

(ii) The said deposit is subject to the decision that may be taken by the Appellate Authority in an appeal that would be filed by the petitioner against the penalty imposed upon the petitioner.

(iii) In case, the petitioner does not file appeal within the reasonable time, the respondents are at liberty to take steps to recover the amount and so also take steps against the vehicle of the petitioner.

(iv) The respondents can also get the bond executed to their satisfaction. The respondents before release of the vehicle shall verify the documents and confirm the ownership of the petitioner and genuineness of the documents.

(v) Writ Petition accordingly disposed of and no costs.

(AVINASH G. GHAROTE, J.) (S V GANGAPURWALA, J.)

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