

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

110 WRIT PETITION NO.12345 OF 2019

KAILASH DAGDU GAVANDE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. A. B. Kharosekar, Advocate for the Petitioner.

Mrs. G. L. Deshpande, AGP for Respondents-State.

...

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

DATED : 10th DECEMBER, 2019.

PER COURT:-

1. The vehicle of the petitioner is seized on account of illegal transportation of the sand on 29.06.2019 by the person below the rank of Tahasildar. It appears that, there is no seizure panchanama also. It is submitted that the fine of Rs.3,52,000/- is imposed upon the petitioner.

2. As far as fine and penalty is concerned, the petitioner may avail the remedy of appeal.

3. As the vehicle has been seized without any panchanama and under the orders of the Authority below the rank of the Tahasildar, we pass the following order:

ORDER

- i. The respondents shall release the vehicle seized from the petitioner under the letter dated 29.06.2019 (Page No.12) after verifying the documents and confirming about ownership of the petitioner. The respondents may also get the bond executed from the petitioner to their satisfaction.
 - ii. As far as fine and penalty is concerned, the petitioner may avail the remedy of appeal. If the petitioner does not file an appeal within a period of three months from today, then respondents are at liberty to take further action for recovery of the fine and penalty and also take steps for re-possession of the vehicle.
4. Writ Petition is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE