

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

137 WRIT PETITION NO.12555 OF 2019

SALMANKHAN RAJEKHAN PINJARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Kochar Mahendra G.
AGP for Respondents: Mr. S.B. Narwade
...

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

Date: December 16th, 2019

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PER COURT :-

1 The vehicle of the petitioner is seized for illegal transportation of the sand. Final penalty and fine are also imposed upon the petitioner. The petition is entertained only to the extent of seizure of vehicle. The petitioner may avail the remedy of appeal so far as fine and penalty is concerned.

2 It appears that the panchanama is drawn by the circle officer. As per catena of judgments of this Court, prior to 16.9.2019, a person below the rank of Tahsildar did not have power to seize the vehicle. Penalty is imposed upon the vehicle.

3 In the light of that, we pass the following order:

4 Respondents shall release the vehicle seized of the petitioner after verifying the documents and confirming the

ownership of the petitioner. The respondents can get the bond executed from petitioner to their satisfaction.

5 The petitioner shall deposit an amount of Rs.50,000/- with the respondents. The same shall be subject to the decision that would be taken by the appellate authority and without prejudice to the rights of the parties. In case the petitioner is aggrieved by order of penalty and fine, he may prefer an appeal within reasonable period. If appeal is not filed within reasonable time, respondents are at liberty to recover the amount of final penalty and fine and also to take appropriate action quo the vehicle. .

6 The writ petition is accordingly disposed of.

(AVINASH G. GHAROTE, J)

(S. V. GANGAPURWALA, J)