

1. The petitioner seeks release of the vehicle, so also, challenges the order levying penalty.
2. As far as order levying penalty is concerned, the petitioner has remedy of appeal. The petitioner may file appeal against the order dated 24.09.2018. As far as the seizure of the vehicle is concerned, it is at the behest of the Talathi. Section 48 (8) of the Maharashtra Land Revenue Code requires the seizure to be made by the persons not below the rank of Tahsildar. The same is also considered by

this Court in its Judgment and order dated 06.10.2018 in writ petition No. 10942 of 2018.

3. In view of the above, the order passed by the respondent directing seizure of the vehicle under panchanama drawn by Talathi is quashed and set aside.

4. The respondent is directed to release the vehicle seized under the panchanama forthwith.

5. The writ petition is disposed of. No costs.

(A.M. DHAVAL, J.) (S.V. GANGAPURWALA, J.)

mta