

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6627 OF 2019

Shri Nilkanth Sahadu Salke & Anr. ... Petitioners.

V/s.

The Collector, ... Respondents.
District Pune at Pune & Ors.

**WITH
WRIT PETITION NO. 5381 OF 2019**

Shri Bhagatsing Tukaram Chaudhari ... Petitioner.

V/s.

The Collector, ... Respondents.
District Pune at Pune & Ors.

Mr. R. D. Soni, Advocate a/w. Mr. V.R. Kasse i/by Ram
And Company for the Petitioners in both petitions.

Mr. S. B. Kalel, AGP for the Respondent Nos.1 to 4 -
State.

CORAM : R.M. BORDE & N.J. JAMADAR, JJ.

DATE : JULY 23, 2019.

PC :

1 The Petitioners are aggrieved by the orders
passed by the Tahasildar, Shirur, Dist. Pune on 22nd
March, 2019, directing recovery of the amount towards

illegal excavation and extraction of minor minerals as well as the order directing imposition of amount of fine equivalent to the value of the vehicles, totaling Rs. 18,55,705/- and Rs. 9,27,905/- respectively. The Petitioners contends that one JCB machine and the Poklon manufactured by the JCB have been seized by the Revenue Authorities under the Panchanama drawn on 04th March, 2019. The Tahasildar. after receipt of the report, has issued the order directing the Petitioners to deposit the amounts, as stated above. The Petitioners contend that the action of the Revenue Authorities, in seizing the vehicles belonging to the Petitioners is illegal for the reasons that the Talathi does not have any authority to seize the vehicles and conduct the seizure panchanama. It is also contended that the vehicles have not been produced before the Higher Authority within 48 hours from the seizure of such vehicles.

2 The question raised by the Petitioners in the instant petitions, can be considered by the Appellate Authority, dealing with the challenge to the orders passed by the Tahasildar, directing imposition of fine and penalty. It would be open for the Petitioners to tender Appeals to the Appellate Forum within a period of 15 days from today. If the Petitioners tender

Appeals within the time, specified as above, the Appellate Authority shall decide the Appeal on its own merits and in accordance with law.

3 The Petitioners shall deposit 50% of the amount as directed by the Tahasildar with the Appellate Authority within the period of 15 days from today. On deposit of the amount, as directed above, the Respondents shall release the JCB machine and Poklon manufactured by the JCB forthwith.

4 It is informed by the Petitioners that the Respondents have recorded charge on the immovable properties belonging to the Petitioners. On deposit of the amount, as directed above, the Respondents shall take steps forthwith for removal of the charge recorded in the relevant revenue record. The deposit of the amount by the Petitioners shall be subject to the outcome of the Appeal proceedings, which the Petitioners intend to present.

5 In view of the directions, as above, both the writ petitions stand disposed of.

(N.J. JAMADAR, J.)

(R.M. BORDE,J.)

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