

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

WRIT PETITION NO.2086 OF 2020

Somnath Sahebrao Tapkire

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr C.V. Dharurkar, Advocate for petitioner
Ms R.P. Gaur, A.G.P. for respondents

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 3.2.2020

ORAL ORDER :

1. We heard Mr Dharurkar, learned Counsel for petitioner.
2. The learned Counsel submits that the petitioner did not engage in unauthorised transportation of the minor minerals. The vehicle has been illegally seized. The Talathi does not have the jurisdiction and authority to seize the vehicle.
3. The Talathi or the Circle Officer did not have authority to seize the vehicle prior to 16.9.2019. In view of the amendment to Section 48 (7) and (8) of the Maharashtra Land Revenue Code, the Talathi and the Circle Officer have got the jurisdiction to seize the vehicle. Even otherwise, the petitioner has remedy of appeal.
4. The petitioner may avail the remedy of appeal. In case the petitioner files the appeal, the authority shall take decision upon it for release of vehicle on its own merits within thirty days. All contentions are kept open.

5. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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