

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

76 WRIT PETITION NO. 3818 OF 2020

ANIL PANDHARINATH THOMBRE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Sachin Deshmukh h/f.

Mr. Shaikh Majit S.

AGP for Respondents: Mr. S. S. Dande

...

**CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATE: 10th AUGUST, 2020

PER COURT:

1. The petitioner seeks permission to release the vehicle.

2. We have heard Mr. Deshmukh, learned Counsel for the petitioner and the learned A.G.P.

3. The vehicle is seized under Panchanama dated 25.05.2018. The same is seized by the Circle Officer. It has been held in catena of matters that the Circle Officer did not have jurisdiction to seize vehicle prior to 16.09.2019. The same is without jurisdiction. The penalty is also imposed upon the petitioner. The petition filed by the petitioner before the Sub Divisional Officer is dismissed. No doubt, the petitioner has remedy of filing further appeal.

4. Considering the fact that the seizure of the vehicle was without jurisdiction, we pass the following order.

5. The Revenue Authority shall release the vehicle of the petitioner seized under Panchanama dated 25.05.2018 (*Page No. 10*) upon verification of the documents and confirmation of the ownership of the petitioner. The Revenue Authority shall take bond to his satisfaction. The petitioner shall without prejudice to his rights and contentions and till the appeal which he may file deposit an amount of Rs.40,000/- (Fourty Thousand only) with the respondent. Said deposit would be subject to the decision that would be taken by the Revenue Authority in the appeal filed by the petitioner.

6. With these observations, writ petition stands disposed of.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

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