

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6658 OF 2019

SANJAY KALURAM PAWAR

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr Y.V.Kakde, Advocate holding for
Mr D.D. Deshmukh, Advocate for Petitioner
Mr V.M. Kangne, AGP for Respondent Nos. 1 to 5

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

DATE : 22ND JANUARY, 2020

PER COURT :

1. Mr Kakde, the learned Counsel for the petitioner submits that the vehicle of the petitioner is seized without panchanama. The fine/penalty is also imposed illegally. The vehicle of the petitioner was not engaged in any unauthorized transportation of sand.
2. The learned AGP submits that it was the joint operation by the respective authorities and the vehicle of the petitioner was found involved in illegal transportation of the sand.
3. We have considered the submissions.

4. In fact, the Circle Officer did not have the authority to seize the vehicle as per the provisions prior to the Government Resolution dated 16.09.2019.

5. As far as the fine is concerned, the petitioner has remedy of appeal. The petitioner may avail the said remedy.

6. Considering the above, we pass the following order :-

(i) The respondents shall release the vehicle bearing No. MH-23 AJ-0042 seized by the respondents after verifying the documents and confirming the ownership of the petitioner. The respondents may get the bond executed to their satisfaction. The petitioner shall deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand Only) with the respondent. The same shall be without prejudice to the rights of the petitioner, so also, the decision in appeal.

(ii) If the petitioner does not file an appeal within a period of 30 days, then the respondents are entitled to recover the entire amount, so also, repossess the vehicle.

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

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]