

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

WRIT PETITION NO. 6223 OF 2020

Dnyaneshwar Raosaheb Pawar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. A. B. Kharosekar, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

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

DATED : 12th OCTOBER, 2020.

PER COURT:-

. The learned counsel for the petitioner submits that the vehicle is seized by the police authority. No F.I.R. is lodged against the petitioner. The police authority did not possess the authority to seize the vehicle.

2. The learned A.G.P. submits that the respondents have issued notice to the petitioner calling upon him to show cause as to why action under Section 48 (7) and 48 (8) of the Maharashtra Land Revenue Code, 1966 (for short 'Act') should not be taken. The amount of penalty of Rs. 2,42,060/- (Rupees Two Lakh Fourty Two Thousand Sixty) is also imposed .

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. In view of the fact that no F.I.R. is lodged and the police authority has seized the vehicle and not the authorities under Section 48 (7) and 48 (8) of the Act, we pass the following order.

5. The respondents shall release the vehicle of the petitioner seized by the police authority and as per the letter dated 05.05.2020 (page no. 23) upon the authority being satisfied of the ownership of the petitioner and verifying the documents. The respondents may get the bond executed from the petitioner to their satisfaction. The petitioner shall also deposit an amount of Rs. 1,00,000/- (Rupees One Lakh only) with the respondents. The said deposit of amount shall be without prejudice to the rights and contentions of either of the parties and subject to the decision that would be taken by the appellate authority in an appeal filed by the petitioner against the order of penalty. If the appeal is not filed by the petitioner within a period of one month from today, then respondents are at liberty to recover the entire amount of penalty.

6. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.