

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

59 WRIT PETITION NO. 7203 OF 2020

**NITIN RAJARAM DANGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner: Mr. Amol S Sawant
AGP for Respondents/State: Mr. S. R. Yadav Lonikar

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

DATE: 21st OCTOBER, 2020

PER COURT:

1. Mr. Sawant, the learned Counsel submits that vehicle of the petitioner is seized by the Talathi under Panchanama dated 03.10.2018 without authority. The petitioner is not engaged in illegal transportation of minor minerals. The Talathi did not have the authority. The penalty is also illegally imposed.

2. The learned Additional Government Pleader accepts notice for all respondents and submits that the petitioner has a remedy of appeal against the seizure of vehicle.

3. The seizure of vehicle is by Talathi prior to the amendment to Sub-Section 7 and 8 of Section 48 of the Maharashtra Land Revenue Code, 1966. On the relevant date, the Talathi did not possess the jurisdiction and authority to seize the vehicle.

4. As far as penalty is concerned, the petitioner may avail the remedy of appeal.

5. In light of above, we pass the following order.

6. The respondents shall release the vehicle seized of the petitioner under Panchanama dated 03.10.2018 upon verification of the documents and confirmation of the ownership of the petitioner. The respondents can get the bond executed to their satisfaction. The petitioner shall also deposit an amount of Rs. 1,25,000/- (Rs. One Lac Twenty Five Thousand only), without prejudice to his rights and contentions and subject to the decision in appeal that may be preferred by the petitioner against imposition of penalty.

7. If within a period of one month, the petitioner does not file the appeal, then the respondents would be entitled to recover the entire amount of penalty.

8. Writ Petition is accordingly disposed of. No costs.

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

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