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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7396 OF 2020

Mahendra Kachru Kharat ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

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Mr. A.N. Sabnis, Advocate for the petitioner

Mr. A.R. Kale, A.G.P. for respondents No.1 to 4

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

DATE : **23rd NOVEMBER, 2020**

PER COURT :

1. The vehicle of the petitioner is seized by the police officer. No F.I.R. has been lodged. Penalty is also imposed. We have heard the learned counsel for the petitioner and the learned A.G.P. for the State.

2. We are entertaining the present petition only to the extent of seizure of the vehicle. The petitioner may avail the alternate remedy so far as the penalty is concerned.

3. The police authority did not possess the power to seize the vehicle under the provisions of the Maharashtra Land Revenue Code.

4. Considering the above, we pass the following order :

- (i) The respondents shall release the vehicle (Tractor) seized, bearing R.T.O. Registration No.MH-20/AD-2052, upon verification of the petitioner and verification of the documents. The petitioner shall deposit an amount of Rs.50,000/- (Rupees fifty thousand) with the authority. The deposit shall be without prejudice to the rights and contentions of the either parties. The respondents shall also get the bond executed from the petitioner.
- (ii) In case the petitioner does not file appeal against the imposition of penalty within one month from today, the respondents shall have every right and authority to recover the entire amount of penalty. Writ Petition disposed of. No costs.

[R. G. AVACHAT]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

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