

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

960 WRIT PETITION NO.7851 OF 2020

PANDURANG SUBHASH KOKATE PRESIDENT SANT ROHIDAS SWAYAM SEVI
SANSTHA HAMDAPUR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr Ravindra Nirmal

AGP for Respondents State: Mr. A. B. Chate

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

DATE : 18th December, 2020

ORDER:

1. Learned counsel for the petitioner submits that the police authority has seized the vehicle (Tractor). No F.I.R. has been registered. The seizure is an illegal seizure. Penalty is also illegally imposed upon the petitioner.

2. The learned A.G.P. submits that the Tractor was carrying illegal sand. The Driver could not produce documents showing permit for transportation of sand. Penalty is also imposed upon the petitioner.

3. So far as penalty is concerned, the petitioner may avail remedy of appeal. Seizure of vehicle on account of transportation of sand is at the hands of Police officer. No FIR has been lodged. The Police officer does not have authority to seize vehicle, more particularly when no F.I.R. has been lodged. Considering the above, we pass following order.

4. The respondents shall release the vehicle seized of the petitioner after confirming ownership of the petitioner and verifying the documents.

The respondents may get execution of band to their satisfaction.

5. The petitioner shall deposit amount of Rs.35,000/- with the respondents. The said deposit shall be without prejudice to the rights and contention of the petitioner and subject to the decision that would be taken in an appeal that may be filed by the petitioner .

6. In case the petitioner does not file appeal within one month, the respondents will have liberty to recover the entire amount of penalty.

7. Writ petition stands disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

JPC