

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

WRIT PETITION NO. 9873 OF 2019

Ravindra Ramlal Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Rakesh N. Jain, Advocate for Petitioner.

Mr. P. G. Borade, AGP for Respondent Nos. 1 to 4.

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

DATED : 21st JANUARY, 2020.

PER COURT:-

. The vehicle of the petitioner is seized for illegal transportation of sand under panchanama dated 20.11.2018. The same is seized by Talathi who at the relevant time did not possess the authority. The fine and penalty is also imposed upon the petitioner. The petitioner may file appeal so far as fine and penalty is concerned. As the seizure was by a person not authorized under the statute at the relevant time, we pass the following order.

2. The respondents shall release the vehicle of the petitioner seized under panchanama dated 20.11.2018 after confirming the ownership of the petitioner, so also genuineness of the documents. The

respondents shall get executed a bond from the petitioner to their satisfaction. The petitioner shall deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand only) with the respondents. The same 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 case, the petitioner files appeal.

3. If the petitioner does not file appeal within a period of 30 days from today, then respondents may claim recovery, so also take steps for repossession of the vehicle.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.