

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 WRIT PETITION NO.11411 OF 2019

SUDAM SOMA SONWANE

..PETITIONER

VERSUS

THE STATE OF MAHRASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Rakesh Nemichandji Jain, Advocate for the
Petitioner.

Mr. V. M. Kagne, AGP for Respondents-State.

...

CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATED : 08th JANUARY, 2020.

PER COURT:-

1. The vehicle of the petitioner is seized for unauthorized transportation of sand. The fine and penalty is imposed upon the petitioner. As far as fine and penalty is concerned, the petitioner may avail the remedy of Appeal.

2. The panchanama is at the behest of Circle Officer, who at the relevant time did not possess authority.

3. In light of that, we pass following order:

ORDER

(I) The respondents shall release the vehicle seized under panchanama dated 24.08.2019 after verifying the ownership of the

petitioner and genuineness of the documents. The respondents may get the bond from petitioner to their satisfaction.

(II) The petitioner shall deposit an amount of Rs.50,000/- (Rs. Fifty Thousand Only) with respondent-Authority. The same would be without prejudice to the rights and contentions of the parties and subject to the decision that would be taken in Appeal that may be filed by the petitioner.

(III) In case, petitioner does not file an Appeal within a period of one month, then respondents are at liberty to recover the entire amount, so also re-possess the vehicle.

4. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE