

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

123 WRIT PETITION NO.11785 OF 2019

ARUN BALASAHEB JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

...
Advocate for Petitioner : Mr Jadhav Kiran D
AGP for Respondents State: Mr S P Tiwari

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

DATE : 20th January, 2020

ORDER:

1. Learned AGP submits that inspite of communication, the instructions are not received.
2. JCB machine of the petitioner is seized on the ground of illegal excavation of sand. The learned counsel submits that panchanama is not also drawn.
3. As far as fine and penalty is concerned, the petitioner may avail remedy of appeal under the provisions of the Maharashtra Land Revenue Code. Seizure is prior to 16.09.2019
4. Considering the above, we pass following order.

O R D E R

- (1) The respondents may release the JCB seized of the petitioner after verifying the documents and confirming ownership of the petitioner.
- (2) The respondents may get the bond executed from the petitioner. The petitioner shall deposit an amount of Rs.2,50,000/- with the

respondents. The same shall be subject to the decision that would be taken by the appellate authority in the appeal that may be filed by the petitioner.

- (3) In case the petitioner does not file any appeal within 30 days, then the respondents are at liberty to recover the entire amount and also repossess the JCB.
- (4) Writ petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC