

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12211 OF 2019

Sudarshan S/o Sheshrao Khandejod ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr R.A. Jaiswal, Advocate for Petitioner
Mr S.B. Narwade, AGP for Respondent Nos. 1 to 5

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

DATE : 30TH JANUARY, 2020

PER COURT :

1. The vehicle of the petitioner is seized on the ground of illegal transportation of sand.
2. Heard the learned Counsel for the petitioner and learned Assistant Government Pleader.
3. It is brought to our notice it is the second time the vehicle of the petitioner is involved in unauthorized transportation of sand. The contention of the petitioner is that earlier, when the vehicle was involved in unauthorized transportation of sand, the owner was different. The previous owner has executed bond for sum of Rs. 50,800/-.

4. The vehicle is sized under panchanama dated 31.10.2017 by the Circle Officer. At the relevant time, Circle Officer did not possess the authority to seize the vehicle.

5. In light of the above, we pass the following order :-

(i) The respondent shall release the vehicle of the petitioner bearing Registration No. MH-26 AD 0208 seized under panchanama dated 31.10.2017 (page 30).

(ii) The petitioner shall deposit Rs. 50,800/- towards the bond amount executed by the previous owner. The petitioner shall also in addition deposit Rs. 3,00,000/- with the respondent. (Total Rs. 3,50,800/-). The deposit is without prejudice to the rights and contentions of the petitioner and subject to the decision that would be taken in appeal that may be filed by the petitioner to the extent of imposition of fine/penalty. The petitioner may avail remedy of appeal. If the petitioner does not file an appeal within a period of 30 days, then the respondents are entitled to recover the entire amount, so also, take steps for repossession of the vehicle.

6. Writ petition is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]