

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

54 WRIT PETITION NO.14108 OF 2019

YOGESH SANDIPAN ADALE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. A. B. Kharosekar, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, AGP for Respondents-State.

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

DATED : 08th JANUARY, 2020.

PER COURT:-

1. The JCB machine of the petitioner is seized for illegal excavation of the sand as per the respondents.

2. The fine and penalty is also imposed upon the petitioner. The petitioner may file an Appeal as far as fine and penalty is concerned.

3. The respondents shall release the JCB machine seized under panchanama dated 05.09.2019. The respondents shall get the bond executed from the petitioner to their satisfaction, so also shall confirm the ownership of the petitioner and genuineness of the documents. The petitioner shall deposit Rs.3,00,000/- (Rs. Three Lakhs Only) with the 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.

4. 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 JCB machine.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE