

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

WRIT PETITION NO. 14272 OF 2019

Arif Nazir Ahmed

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Vinod S. Khairnar, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 to 4.

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

DATE : 10TH JANUARY, 2020.

FINAL ORDER :

. The vehicle of the petitioner is seized for unauthorized transport of the sand. The vehicle of the petitioner is seized by Talathi on 16.08.2019 i. e. prior to the amendment to the Maharashtra Land Revenue Code.

2. In catena of judgments this Court has held that, the officer below the rank of Tahsildar did not possess the authority to seize the vehicle. The scenario has changed after 16th September, 2019.

3. As far as fine and penalty is concerned, the petitioner may take recourse to alternate remedy of appeal.

4. In the light of the above, as on the relevant date Talathi

did not have power to seize the vehicle, we pass following order.

5. The vehicle of the petitioner seized under the panchanama dated 16th August, 2019 (page 16) be released after confirming ownership of the petitioner and the genuineness of the documents, the respondents may get bond executed from the petitioner to their satisfaction. The petitioner shall deposit an amount of Rs. 1,00,000/- (Rs. One Lac only) with the respondent authorities. The said deposit would be without prejudice to the rights and contentions of either of the parties. If the petitioner does not file appeal within 30 days from today, then the respondents are at liberty to take steps for recovery and repossession of the vehicle.

6. The writ petition accordingly is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 20