

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

91 WRIT PETITION NO.14385 OF 2019

AVINASH SUBHASH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Patil Ujwal Subhash.
AGP for Respondents : Mr. G.L. Deshpande.

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

DATE : 07/01/2020

PER COURT :

The petition would be entertained only to the extent of seizure of vehicle. It is admitted that the seizure is by the Talathi and the same is prior to the amendment dated 16.09.2019 to the Provisions of Section 48 of the Maharashtra Land Revenue Code. Fine is also imposed on the vehicle so also for illegal excavation.

2. Considering the above, we pass the following order.

ORDER

1. The respondents shall release the vehicle seized under panchnama dated 13.02.2019 after confirming the ownership of the petitioner and the genuineness of the documents.

2. The petitioner shall also deposit an amount of Rs. 50,000/-. The said deposit is without prejudice to the rights and contention of the either of the parties and the decision in appeal that may be filed by the petitioner.

2. In case the petitioner does not file an appeal within 30 days then the respondents are at liberty to recover the amount and also repossess the vehicle.

3. In case the petitioner files an appeal within 30 days then till decision of the appeal the respondents shall not take action in respect of the property of the petitioner.

3. The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

mkd