

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

WRIT PETITION NO. 14910 OF 2019

Mohmmad Muntjib Khan

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Rakesh N. Jain, Advocate for Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 to 4.

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

DATED : 23rd JANUARY, 2020.

PER COURT:-

- . The vehicle of the petitioner is seized for illegal transportation of sand. The fine and penalty is also imposed upon the petitioner.
2. As far as fine and penalty is concerned, the petitioner may avail the remedy of appeal.
3. The seizure of the vehicle is on 18.05.2019. The said seizure appears to be at the behest of the Talathi. At the relevant time the Talathi did not possess power and authority to seize the vehicle under Section 48 (7) (8) of the Maharashtra Land Revenue Code, 1966.
4. Considering the above, we pass the following order.

5. The respondents shall release the vehicle seized from the petitioner under panchanama dated 18.05.2019 after verifying the genuineness of documents and confirming the ownership of the petitioner. The respondents shall get executed a bond from the petitioner to their satisfaction. The petitioner shall deposit an amount of Rs. 1,00,000/- (Rupees One Lakh only) with the respondents. The said deposit of amount shall be without prejudice to the rights and contentions of either of the parties and subject to the decision that would be taken by the appellate authority, in case, the petitioner files appeal.

6. In case, the petitioner does not file appeal within a period of 30 days from today, the respondents are entitled to recover the entire amount, so also repossess the vehicle.

7. With the aforesaid observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.