

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 WRIT PETITION NO.227 OF 2020

BABASAHEB JANARDHAN AAGALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. R.G. Hange, Advocate for petitioner

Mr. P.S. Patil, AGP for respondents Nos.1 to 4

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CORAM : S.V. GANGAPURWALA AND
SMT. VIBHA KANKANWADI, J.

DATE : 01st DECEMBER, 2020

PER COURT :

1 The petitioner seeks release of vehicle seized by the respondents under panchnama dated 09.02.2018. The same is not seized by an officer of the rank of Tahsildar and above.

2 As on 09.02.2018 the person below the rank of Tahsildar did not possess the authority to seize the vehicle under Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966.

3 In the light of that we pass the following order.

ORDER

1 The respondents shall release the vehicle of the petitioner seized under panchnama dated 09.02.2018 (page 15).

2 The petitioner shall deposit an amount of Rs.2,00,000/- with the respondents. The same shall be without prejudice to the right and contentions of the parties and decisions in the appeal that would be taken by the authority.

3 The respondents may get the bond executed to their satisfaction. The respondents may confirm the ownership of the petitioner and verify the documents before release of vehicle.

4 Writ petition accordingly disposed of. No costs.

(Smt. Vibha Kankanwadi, J.)

(S.V. Gangapurwala, J.)

agd