

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 9115 OF 2019

Sangeeta Rajkumar Patil

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Vaibhav Bandgar h/f Mr. Kewal Ahya for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos.1 & 2.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 17th JANUARY, 2020.

P. C. :

1. From the pleadings in the Writ Petition it emerges that a JCB belonging to the Petitioner was seized on 18.05.2018 and released on 10.12.2018 on the charge of the JCB being used for illegal excavating sand or murum. From the orders annexed with the Petition it is apparent that the JCB has been released on a personal bond. The Petitioner seeks a declaration that on account of illegal seizure of the JCB, the Petitioner be granted compensation in a sum of ₹ 13,51,000/- together with interest @ of 9% per annum.
2. The compensation is claimed on the plea that the JCB was purchased on a loan requiring ₹ 43,000/- p.m. to be paid as an equated monthly installments.
3. On the assumption that the JCB was illegally seized, the Petitioner would at best be entitled to damages which would be the income earned

by the Petitioner by using the JCB. This would require evidence to be led and thus under writ jurisdiction relief prayed for cannot be granted. The Petitioner would be entitled to file a suit seeking damages on the tort of illegal detention of the Petitioner's JCB.

4. The Writ Petition is accordingly disposed of.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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