

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
114 WRIT PETITION NO.7798 OF 2021**

ASHOK DADAAO KHAPE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA THR ITS SECRETARY AND  
OTHERS

..RESPONDENTS

...

Mr. Sambhaji S. Tope, Advocate for the Petitioner.  
Mr. P. K. Lakhotiya, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &  
R. N. LADDHA, JJ.**

**DATED : 02<sup>nd</sup> AUGUST, 2021.**

**PER COURT:-**

1. The tractor of the petitioner is seized by the Police Authority. The F.I.R. has not been lodged.

2. We have heard Mr. Tope, learned counsel for the petitioner and learned A.G.P. for respondents.

3. As far as imposition of penalty is concerned, the petitioner may avail the remedy of Appeal.

4. Mr. Lakhotiya, learned A.G.P. does not dispute that neither the Revenue Authority nor the Police has drawn panchanama of seizure of vehicle. The F.I.R. is also not lodged against the petitioner. The Revenue Authority had not seized the vehicle.

5. In light of the above, we pass the following order:

**ORDER**

A. The respondent shall release the tractor of the petitioner bearing R.T.O. Registration No.MH-21-C-9330. The petitioner shall deposit an amount of Rs.30,000/- (Rs.Thirty Thousand Only) at the time of release of vehicle with the Authority. The said deposit shall be subject to the decision in Appeal that would be arrived at by the Authority in the Appeal that may be filed by the petitioner and without prejudice to the rights and contentions of either parties.

B. The respondents may confirm the ownership of the petitioner and verify the genuineness of the documents before release of the vehicle. The respondents may obtain bond from the petitioner to their satisfaction.

C. In case, petitioner does not file an Appeal within a period of one month against the imposition of penalty, the respondents will be entitled to recovery the entire amount of penalty.

6. Writ Petition accordingly disposed of. No costs.

(R. N. LADDHA)  
JUDGE

(S. V. GANGAPURWALA)  
JUDGE