

S.S.Kilaje

Swaroop
S.
Phadke

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 995 OF 2021

Laxman Bapu Arjun .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

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- Mr. Laxman S. Deshmukh for the Petitioner
 - Mr. S. B. Kalel, AGP for the Respondent - State
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**CORAM : S. J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : MARCH 25, 2021.

P.C.:

. Heard.

2. It is the case of the Petitioner that his Truck having registration No. MH-10 AQ9086 (the said Truck) came to be seized on 17.12.2019 by Respondent No.3 who is a Circle Officer. It is trite law that an Officer below the rank of Tahasildar, has no authority in law to seize the Petitioner's vehicle.

3. In view of the above, we direct Respondent Nos. 2 and 3 to forthwith release the said Truck.

4. Without prejudice to his rights and contentions, Petitioner shall deposit an amount of Rs.8,536.00 with the

Tahasildar within a period of one week from today.

5. Petitioner shall within a period of one week thereafter file an Appeal before the SDO. The SDO shall decide the said Appeal as early as possible. In the event of the SDO coming to the conclusion that the Petitioner will have to pay the penalty amount, the said order shall be binding on the Petitioner.

6. The Writ Petition is disposed of.

(MILIND N. JADHAV, J.)

(S. J. KATHAWALLA, J.)