

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

**CRIMINAL WRIT PETITION NO. 416 OF 2022**

|                                                 |                |
|-------------------------------------------------|----------------|
| Shriram Vitthal Bharti                          | ... Petitioner |
| Versus                                          |                |
| The State of Maharashtra                        | ... Respondent |
| ....                                            |                |
| Mr. Sachin S. Deshmukh, Advocate for petitioner |                |
| Mrs. Geeta L. Deshpande, APP for respondent     |                |
| ....                                            |                |

**CORAM : R. G. AVACHAT, J.**

**DATED : 06<sup>th</sup> MAY, 2022**

**PER COURT :-**

.                      Heard.

2.                      The vehicle namely Tata Tipper bearing registration No.MH-34-A-7118 of the petitioner herein, has been seized in connection with an offence of unauthorised excavation of sand and transporting it. A crime in that regard has already been registered. The learned Judicial Magistrate First Class, Mahur, vide his order dated 27.08.2020 was pleased to release the vehicle in favour of the petitioner with a rider that the said order shall not be without prejudice to the powers of the Tahsildar under Section 48 of the

Maharashtra Land Revenue Code. He further observed that the vehicle shall not be returned until he exhaust the power in that regard. The copy of the order passed by the Tahsildar on 28.07.2020 is placed on record. It is evident therefrom that the proceeding under Section 48 of the MLR Code has already been initiated and the petitioner has been directed to pay a fine of Rs.1,26,050/-.

3. The petitioner has remedy to challenge the said order before the Sub Divisional Officer. He may take recourse of that remedy as provided. He shall deposit a sum of Rs.75,000/- first before the Tahsildar within a period of twelve weeks from today, without prejudice to his rights to challenge the order passed by the Tahsildar. Once he produces the receipt of deposit of a sum of Rs.75,000/- before the concerned J.M.F.C., the vehicle of the petitioner immediately be released in his favour with certain terms and conditions imposed by the J.M.F.C.

4. With the aforesaid observations, the criminal writ petition stands disposed of.

**[ R. G. AVACHAT, J. ]**

SMS