

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO.4127 OF 2022

BRAMHANAND ARUN RAYMALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. A. J. Patil
AGP for Respondents-State : Mr. S. G. Karlekar

...
**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 08th September, 2022

PER COURT :

1. The petitioner has put forth prayer Clauses 'B', 'C' and 'D' as under :-

(B) The respondent no.3 be directed to immediate release of the tractor and trolley bearing No.MH-19-BG-5139 which is seized by the respondent no.3.

(C) That, the compensation of amount of Rs.4,82,764/- be paid to the petitioner by the respondent no.3 personally.

(D) Pending hearing and final disposal of this writ petition the tractor bearing No. MH-19-BG-5139 and trolley No.MH-19-P-9869 be release from the custody of the respondent no.3 forthwith in the interest of justice.

2. We have considered the submissions of the learned Advocate for the petitioner and the learned AGP who has referred to the affidavit in reply filed by the Tahsildar. It is pointed out that an order has already

been passed on 26/04/2022, by the Sub-Divisional Officer, Faizpur, directing the release of the tractor bearing No.MH-19-BG-5139. The petitioner was served with a copy of the said order on 27/04/2022, which is not disputed.

3. The grievance of the petitioner is that some of the parts of the tractor have gone missing while in custody of the Revenue Authorities. He, therefore, prays for compensation.

4. Needless to state, disputed issues cannot be gone into by this Court by exercising writ jurisdiction. Which were the parts that were attached to the tractor when it was seized and which are those parts which have gone missing, needs an inquiry which is not to be undertaken by the High Court. We leave the petitioner at liberty to take recourse to a remedy as may be permissible in law.

5. Since order of release of the vehicle has already been passed and since that is the prayer before this Court, we are not required to pass any order. This petition is, therefore, disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

gawade/-.