

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

WRIT PETITION NO. 7251 OF 2023

Rajendra Malayya Kalal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. A. R. Syed, Advocate h/f Mr. A. B. Kharosekar, Advocate for the
Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 to 4.

**WITH
WRIT PETITION NO. 7248 OF 2023**

Baburao Vaman Walekar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. A. R. Syed, Advocate h/f Mr. A. B. Kharosekar, Advocate for the
Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 to 4.

**WITH
WRIT PETITION NO. 7244 OF 2023**

Vaijinath Dnyaneshwar Solunke .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. A. R. Syed, Advocate h/f Mr. A. B. Kharosekar, Advocate for the
Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 to 4.

CORAM : KISHORE C. SANT, J.

DATED : 11th AUGUST, 2023.

P. C. :-

. All these petitions are arising out of the same notice and the proceedings. The same panchanama is drawn in respect of the vehicles in all these petitions.

2. It is the case of the petitioners that, on 15.05.2023 the vehicles of the petitioners were intercepted by the learned Tahsildar, Georai and the vehicles were seized. However, no immediate notice was issued by the learned Tahsildar, neither the vehicles were produced before the learned S.D.O. within 48 hours as prescribed under the Maharashtra Land Revenue Code. The petitioners were persuading the authorities for release of the vehicles. The authorities, however, did not pay any heed. It is for the first time after a month the report came to be filed by the learned Tahsildar to learned S.D.O. on 16.06.2023 praying for taking appropriate action against the petitioners of imposing fine for use of vehicles and the amount of penalty.

3. The petitioners have therefore approached this Court on 26.06.2023 praying for release of vehicles and for quashing of communication dated 16.06.2023.

4. Learned A.G.P has now produced on record notice dated 18.07.2023 issued by the learned S.D.O., Beed for the first time. This notice is issued on the basis of communication received by the learned S.D.O. dated 16.06.2023.

5. It is the case of the petitioners that, on one hand no action is taken. No final orders are being passed and still the vehicles are lying in the custody of the authorities.

6. This Court finds that, if the vehicles were seized on 15.05.2023, it was necessary for the concerned authorities to take immediate action against the petitioners. Thus, it is seen that, the authorities have not even issued notice which is not controverted by the learned A.G.P. This Court finds that, the action of the respondents appears to be unreasonable. The petitions can be disposed off in following terms.

7. The vehicle of the petitioner in Writ Petition No. 7248/2023 be released on depositing of Rs. 62,220/- towards fine and for illegal use of vehicle the petitioner shall also deposit 50% amount i.e. Rs. 50,000/-.

8. The vehicle of the petitioner in Writ Petition No. 7244/2023 be released on depositing of Rs. 93,330/- towards fine and for illegal use of vehicle the petitioner shall also deposit 50% amount i.e. Rs. 1,00,000/-.

9. The vehicle of the petitioner in Writ Petition No. 7251/2023 be released on depositing of Rs. 93,330/- towards fine and for illegal use of vehicle the petitioner shall also deposit 50% amount i.e. Rs. 1,00,000/-.

10. The petitioners shall also deposit the amount towards DMF and rent.

11. The said exercise be done within a period of two (02) weeks from today. The authorities will be at liberty to take action as per law thereafter. The petitioner would also file an undertaking that he would abide by the order if passed pursuant to the fresh action, if any, taken by the authorities. The vehicle shall not be used hereinafter for any illegal purpose in the similar activity without authorization. Till the action is finally disposed off he shall not transfer the vehicle. The said undertaking be filed before the authorities within a period of two (02) weeks from today by filing copy in this Court.

12. The petitioners to file reply to the show cause notice and to co-operate in the proceedings before the learned S.D.O. and the learned Tahsildar respectively. Without waiting for formal notice the authorities to pass order within a period of two (02) months from today.

13. With the, the writ petitions stand disposed off.

(KISHORE C. SANT, J.)

PS.B.