

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

WRIT PETITION NO. 8241 OF 2023

Jayesh Balwant Patil

.. Petitioner

Versus

The Tahsildar,
Tahsil Office Dharangaon and another

.. Respondents

Mr. Narendra D. Sonavane, Advocate for the Petitioner.
Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 and 2.

CORAM : KISHORE C. SANT, J.

DATED : 11th AUGUST, 2023.

P C. :-

1. In this case, the vehicle of the petitioner was seized by the learned Tahsildar and the amount of fine/penalty was imposed of Rs. 75,521/-. The vehicle was seized on 22.04.2023. The petitioner had approached this Court by filing Writ Petition No. 6168/2023. This Court had already passed an order dated 16.06.2023 directing release of vehicle on deposit of amount of penalty of Rs. 75,521/- i.e. imposed by the learned Tahsildar.

2. When the Writ Petition No. 6168/2023 was before the Court, it was for the first time informed that the learned S.D.O. has also passed an order of imposing penalty of Rs. 2,00,000/- for illegal use of vehicle. Thus, though the order is passed directing release of vehicle on depositing the amount as directed by the learned Tahsildar, still the

vehicle is lying in the custody of the respondents.

3. This Court finds that, the said vehicle can be released subject to outcome of the appeal, if any, preferred by the petitioner against the order passed by the learned S.D.O. In the meantime, the vehicle of the petitioner shall be released on deposit of Rs. 1,00,000/- i.e. 50% of the amount of penalty directed by the learned S.D.O. subject to outcome of the appeal, if any, filed by the petitioner. In case, the appeal is not filed by the petitioner, naturally, the order passed by the learned S.D.O. shall attain finality. The vehicle of the petitioner be released subject to above condition and also subject to filing of undertaking as below.

4. 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.

5. With this, the writ petition stands disposed off.

(KISHORE C. SANT, J.)

PS.B.