



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3662 OF 2026

PRAKASH BABU PHAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
ORS

...

Mr. Apparao Bhimrao Kharosekar, Advocate for the Petitioner.

Mr. S. R. Yadav-Lonikar, AGP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 07th APRIL, 2026.

P.C.:-

1. Heard Mr. Kharosekar, learned Advocate appearing for petitioner.

2. The crux of his contention is that on 16.03.2026, petitioner's vehicle bearing Registration No.MH-44-U-1875 was intercepted by police authorities and taken into custody on ground that it was unauthorisedly carrying sand. Although driver of vehicle had produced e-pass and receipts, vehicle was illegally seized and report was submitted to Tahsildar, pursuant to which Sub Divisional Officer issued show cause notice. He places reliance on observations of this Court at Nagpur Bench in case of ***Gufran Khan Rahmatullah Khan Vs. State of Maharashtra and Others (Writ Petition No.8424 of 2018***, decided on ***13.03.2019***), as well as several other orders passed by this Court to contend that police authorities have no power to seize vehicle on ground of violation of Section 48 of Maharashtra Land Revenue Code.

3. In light of submissions advanced, issue notice to respondents, returnable on 21.04.2026. The learned AGP waives notice for all respondents.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026