

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5563 OF 2026

Popat Karbhari Dhumal

VERSUS

The State Of Maharashtra Through The Secretary And Others

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Advocate for the Petitioner : Mr. Apparao Bhimrao Kharosekar

AGP for Respondent/State : Mr. R.K. Ingole

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JUNE 10, 2026

PER COURT :-

1. Present writ petition is filed with following prayer :

“(B) By issuing writ of mandamus/writ of certiorari or any other appropriate writ order or direction respondent No.3 to 5 may kindly be directed to release the JCB No.MH-17-DC-1405 as the petitioner has deposited 25% amount against the penalty order.”

2. Mr. Kharosekar, learned advocate appearing for petitioner submits that petitioner's vehicle JCB No. MH-17-DC-1405 is seized by respondent/authorities in terms of Section 48(8)(2) of Maharashtra Land Revenue Code. The petitioner has already preferred appeal against the order of penalty. He has deposited 25% amount of penalty with Appellate Authority. The learned AGP, upon instructions, confirms such deposit.

3. In that view of matter, there is no impediment for respondent/Appellate Authority to release vehicle of petitioner by putting necessary conditions subject to final outcome of appeal.

4. In result, writ petition is allowed in terms of prayer clause (B).

5. It is made clear that release of vehicle shall be subject to final outcome of appeal. The respondent/Appellate Authority shall be at liberty to put appropriate condition of filing undertaking that vehicle will be redeposited in case adverse order is passed in appeal.

(S.G. CHAPALGAONKAR, J.)