



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7182 OF 2025**

PARMESHWAR SAHEBRAO HANDKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S. G. Jadhavar, Advocate for Petitioner.
Mr. S. D. Ghayal, AGP for Respondent-State.

...

**WITH
CIVIL APPLICATION NO.1987 OF 2026**

SANJAY SHANKARRAO KULKARNI
VERSUS
PARMESHWAR SAHEBRAO HANDKE

...

Mr. Sanket S. Kulkarni, Advocate for Applicant.
Mr. S. D. Ghayal, AGP for Respondent-State.
Mr. S. G. Jadhavar, Advocate for Respondent No.1.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 04th MARCH, 2026.**

ORDER:-

1. On 27.01.2026 this Court observed that on 14.02.2024 respondent no.2-Talathi has seized vehicle of petitioner alleging unauthorized use for transportation of minor mineral and without taking further action, it has been withhold in premises of Ghansawangi Police Station for period of about two years. Accordingly, Village Talathi and respondent no.3-Police Inspector, Ghansawangi Police Station were directed to remain present before this Court and they were given show cause notice as to why they shall not be made liable to pay ex-gracia compensation of Rs.1,00,000/- to petitioner for illegal seizure and possession of vehicle.

2. In pursuance to aforesaid directions, respondent no.2-Talathi filed Civil Application bringing relevant facts on record and prayed for recalling show cause notice. Similarly, respondent no.3-Assistant Police Inspector, Ghansawangi Police Station has filed detailed affidavit-in-reply. The respondent no.4 present Tahsildar, Ghansawangi has also filed detailed affidavit-in-reply to Writ Petition.

3. Mr. Ramesh Vitthalrao Pagote, presently working as Tahsildar, Ghansawangi states that he took charge of Tahsildar, Ghansawangi on 26.12.2025. He explained that on 14.02.2024, then Tahsildar had received secret information regarding illegal excavation and transportation of minor mineral. Acting upon such information, then Tahsildar and Talathi had visited spot and seized vehicle. The Tractor was handed over in custody of in-charge Police Station Officer on same day. Thereafter, Talathi had submitted report to Tahsildar alongwith panchanama dated 15.03.2024 requesting initiation of further action against petitioner. Thereafter, on 18.03.2024 communication was made to Sub Divisional Officer, Ambad about seizure of vehicle and request was made to take further steps contemplated under Maharashtra Land Revenue Code and other relevant provisions. The communication was duly received to Sub Divisional Officer, Ambad on 19.03.2024. However, further directions were not given.

4. The respondent no.3-Assistant Police Inspector, Ghansawangi Police Station filed affidavit stating that as per request of Tahsil Office, vehicle in question was in possession and it was parked in premises of police station only for security purpose. Since there was no further action by Tahsildar, correspondence was made to remove vehicle from Police Station premises. Reference is made to communication dated 01.10.2024 and reminder dated 26.12.2024. It is stated that despite persuasion by police no action has been taken by Tahsil Office, thus there is no fault of Police in keeping vehicle in their custody.

5. The Talathi in his Civil Application states that he has merely performed his duties as per directions of Tahsildar. The vehicle was seized and put into custody of Police Authorities as per directions of Tahsildar and further orders were required from higher authorities.

6. The aforesaid affidavits shows that officers are trying to shrug responsibilities as to illegal custody of vehicle. In this backdrop, before passing further orders, it is imperative to direct District Collector, Jalna to conduct in depth enquiry and find out fault of Officer, who is actually responsible for illegal detention of vehicle for period of almost two years. The report shall stipulate responsibility of each of Officer and default on his part. Since this Court *Prima facie* finds that Sub Divisional Officer, Ambad who is

ultimate authority to pass order under Section 48 (7) and (8) of MLR Code in matter of seizure of vehicle, defaulted in performance of his duties. Hence, District Collector, Jalna himself or through Additional Collector, Jalna shall complete enquiry within period of three weeks from today and submit report alongwith affidavit to this Court within period of four weeks.

7. Stand over to 01.04.2026.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/March-2026