



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 CONT. PETITION NO. 373 OF 2026
IN
WRIT PETITION NO. 6030 OF 2026

Shital Enterprises Through Proprietor Shital Sachin Patil
VERSUS
Mayur Bhangale

.....
Mr. Bhausahab Sadashivrao Deshmukh, Advocate for the Petitioner.
Mr. R. R. Tandale, AGP for Respondent – State.
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CORAM : ROHIT W. JOSHI, J.

DATE : 04 SEPTEMBER 2026

PER COURT :

1. The present petition is filed attributing non-compliance of the order dated 7/7/2026 passed by this Court in Writ Petition No.8030 of 2026, whereby 16 Vehicles seized by the respondent/Tahsildar under Section 48(8) of the Maharashtra Land Revenue Code Act, 1966 (for short “the MLR Code”) were ordered to be released. The Tahsildar had passed an order imposing penalty on the minerals in exercise of powers under Section 48(7) of the MLR Code. In addition to the order passed under Section 48(7), an order was also passed purportedly in exercise of powers under Section 48(8), seizing the vehicles. The action of the Tahsildar was impugned by the Contempt Petitioner by filing Writ Petition No.6030 of 2026.

2. This Court found that the order imposing penalty was within the jurisdiction of the Tahsildar under Section 48(7) of the MLR Code. However, the action of confiscation/seizure of the vehicles was found to be without jurisdiction. Accordingly, this Court allowed the petition to the extent of prayer for realizing the vehicles.

3. This Court was to please to quash and set aside the action under Section 48(8) of the MLR Code, since it was found to be without jurisdiction. Relevant paragraph Nos.8 and 9 of the judgment dated 7 July 2026 passed in Writ Petition No.6030 of 2026 read as under:

“8. In that view of the matter, keeping liberty with respondents to take action in accordance with law, impugned order is quashed and set aside to the extent of imposition of penalty of Rs.1,67,70,000/- towards unauthorized use of vehicle and equipments.

*9. Needless to state here that, competent Revenue Authority is free to initiate appropriate proceeding against petitioner without impeded by present order. In resut, Writ Petition is **partly allowed in terms of prayer Clause (B)** with liberty in favour of respondents to take up appropriate action in accordance with law.”*

4. Since the petition is allowed in terms of prayer clause (B), the same is reproduced herebelow:

“B) The Hon’ble High Court may pleased to issue writ of certiorari or any other appropriate writ, direction or order thereby quashed and set aside the impugned order of penalty dtd.

02/06/2026 issued by respondent no.4 and further direct the respondent authorities to release the Poclains bearing no. 1. TATA HITACHI Machine No. THEDC0L0PPPPPP241 2. HYUNDAI R215LC-7 Excavator no. H603D02552, 3. TATA HITACHI EX 200 SUPER Machine No. S200-22823. 4. HYUNDAI R210 Hydraulic Excavator Machine No. N601D05010, 5. HYUNDAI R210-7 Machine No.601D00896, 6. HYUNDAI R210-7 hydraulic excavator Machine No. N601D04037, 7. HYUNDAI R215L hydraulic Excavator Machine No. N635d02139, 8. HYUNDAI R215 Smart Plus hydraulic excavator Machine No. HYNDN633KE0070387, 9. TATA HITACHI EX210 Super material no.S210-40216 and 10. HYUNDAI R215 Smart Plut hydraulic excavator Machine No.N640D00231 and vehicles / dumper bearing registration no. MH-15-GV—5155, MH-15-GV-8455, MH-15-JC5155, MH-15-EG-4755, MH-21-BG-5588, MH-48-AG5022 detailed under order of penalty by them without further delay and for that purpose issue necessary orders.”

5. The observations in the order will demonstrate that liberty was granted to the Competent Authority to take appropriate action under Section 48(8) of the MLR Code.

6. After the order dated 7/7/2026 came to be passed, orders under Section 48(8) of the MLR Code imposing penalty as contemplated under the said provision were passed with respect to all the 16 vehicles. The Sub-Divisional Officer has imposed penalty of Rs.2,00,000/- for each dumper and Rs.7,50,000/- for each poclain machine. The orders are dated 22 July 2026, 3 August 2026 and 6 August 2026.

7. The contention of the petitioner is that the vehicles seized were ordered to be released forthwith and, despite this, the said vehicles were illegally withheld in defiance of the order passed by this Court till the date of passing of the orders under Section 48(8). It is therefore contended that the action of withholding custody of the vehicles amounts to contempt of the said judgment and order dated 7 July 2026 passed by this Court.

8. The Sub-Divisional Officer and the Tahsildar have filed their replies in the contempt petition. Both authorities have initially tendered an unconditional apology in their affidavits and thereafter have put forth their stance with respect to the allegations made in the contempt petition. It is stated that pursuant to order passed by this Court when petitioner was called upon to produce ownership documents, it was revealed that he is not the owner of these vehicles. The Sub-Divisional Officer collected the address of the owners of the vehicles involved and issued notices for the action contemplated under Section 48(8). After issuing notices and considering the replies, orders under Section 48(8) came to be passed. The order passed by this Court is dated 7/7/2026. Perusal on orders passed by the Sub-Divisional Officer under Section 48(8) will indicate that the notices were issued shortly and thereafter and the orders were passed. The Sub-Divisional Officer has issued notices to the owners of the vehicles involved. The learned advocate for the petitioner states that in

fact the addresses and other particulars for issuing the notices were provided by the petitioner to the Sub-Divisional Officer.

9. The SDO has stated in the reply that it was necessary to issue notices to the owners of the vehicles/machines involved since the same could not be released in favour of a person who is not the owner. He has stated that the excavators seized were not registered in the name of petitioner and that the machinery seized also belonged to third parties. It is stated that in such circumstances verification of ownership had become necessary. It is also stated that with respect to machines which were seized communications were also issued to the manufacturer to seek details of ownership.

10. Having regard to the overall circumstances, this Court is of the opinion that it is not possible to hold that the vehicles were initially not released deliberately and that the orders under Section 48(8) of the MLR Code have been passed in willful or deliberate non-compliance of the order dated 7/7/2026 passed by this Court. The petitioner is admittedly not the owner of the vehicles which were ordered to be released by this Court.

11. The owners of the vehicles/machinery have filed separate petitions being Writ Petition No.6430 of 2026, 6431 of 2026, 6432 of 2026 and 6433 of 2026 seeking release of the vehicles/machinery. Likewise, the

present petitioner had also filed a Writ Petition No.8787 of 2026 for release of vehicles in compliance of the judgment and order dated 7/7/2026 being writ petition No.8030 of 2026. This Court has refrained from granting relief to the petitioner in the said petition since the present contempt petition was also filed.

12. The facts and circumstances of the case indicate that the order imposing penalty under Section 48(8) were passed within a reasonable time. As regards directions for releasing the vehicles forthwith, as contended by the petitioner, paragraph No.9 of the judgment order dated 7/7/2026 does not indicate that the vehicles were ordered to be released forthwith. The vehicles were ordered to be released in terms of prayer clause (B). Perusal of prayer (B) will indicate that the petitioners had prayed that directions be issued to release the vehicles **“without further delay”**.

13. The said words **“without further delay”** cannot necessarily be interpreted to mean “forthwith” as contended by the petitioner. The steps that are taken by the SDO before passing orders are reasonable. As stated above, the petitioner is not the owner of vehicles and the SDO deemed it appropriate to issue notice to the owners of the vehicles/machines. The contentions of the learned counsel for the petitioner is that since the petition was filed by the petitioner, the vehicles/machines ought to have been released and handed over to him. The said contention cannot be

accepted in a Contempt Petition. The order passed by the SDO is a quasi judicial order. The steps taken for issuance of notices to owners, are steps taken in a quasi judicial proceedings. The SDO deemed it appropriate to issue notice to the owners of the vehicles/machines and not to release vehicles/machines in favour of the petitioner who is not the owner. It cannot be said that the steps taken by the SDO in issuing notices to owners were with a view to willfully and deliberately commit breach of order passed by this Court.

14. It must be stated that mere non-compliance with order does not amount to contempt. The non-compliance must be willful and deliberate. It must also be stated that action for punishment of contempt is quasi-criminal in nature and therefore unless willful and deliberate non-compliance is firmly established action for contempt cannot be taken. The Contempt is attributed to the SDO for not releasing the vehicles/machines forthwith before passing orders under Section 48(8) of the MLR Code. As is recorded above, the SDO has passed order under Section 48(8) without undue delay. As regards, directions to release the vehicles “without further delay”, the SDO took reasonable steps in ascertaining ownership of the vehicles/machines involved for which he cannot be blamed in the facts of the present case where ownership of vehicles/machines is not vested with the petitioner who had filed the aforesaid writ petition in which order for release of vehicles/machines

was passed.

15. In view of the aforesaid, contempt petition is dismissed.

16. However, it will be open for the petitioner to take recourse to such steps as are available in law for getting the vehicles released and/or challenging the order passed by the Sub-Divisional Officer under Section 48(8) of the MLR Code and taking other measures for release of the vehicles in accordance with law.

[ROHIT W. JOSHI, J.]