

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9640 OF 2015

Hule Constructions Pvt. Ltd.,
Patoda, District Beed

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.J.N.Singh, advocate for the petitioner
Mr.A.B.Girase, Government Pleader for Respondents.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 13th October, 2015

PER COURT:

1 The petitioner is objecting to the action of Respondent-Tahsildar to recover amount of royalty, which the petitioner claims, is beyond jurisdiction of the Tahsildar.

2 It does appear, on perusal of the order passed by the Tahsildar, that an amount of Rs.32,000/- is recovered towards value of minor minerals and penalty thereon for transportation of sand to the tune of Rs.1,80,000/- and further amount towards taxes and cess. However, while computing recoverable amount, the Tahsildar has included amount of royalty.

3 Relying upon certain judgments of the Supreme Court, the petitioner contends that levying of royalty is beyond competence of the Tahsildar under the Mines and Minerals (Development and Regulation) Act, 1957.

4 Considering the contentions raised by petitioner, we direct the Respondent-State to refund an amount of Rs.3700/- (Rs. Three thousand Seven hundred) in each of the case, which is allegedly recovered from the petitioner without jurisdiction by the Tahsildar. So far as recovery of amount towards value of minor minerals and penalty levied thereon is concerned, it would be open for the petitioner to raise challenge to the order passed by the Tahsildar on 23.06.2015 before the appellate forum.

5 With the directions as above, writ petition stands disposed of.

P.R.BORA
JUDGE

adb/wp964015

R.M.BORDE
JUDGE