

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6714/2016

Pankaj Ashok Rohankar and others

...Versus...

State of Maharashtra, through Tahsildar Anjangaon Surji, Tah. Anjangaon Surji,
Distt. Amravati and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Mir Nagman Ali, Advocate for petitioners
Shri A.S. Fulzele, Addl. G.P. for respondents

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 29.11.2016

By this petition, the petitioners challenge the order of the Tahsildar, dated 28.9.2016 under Section 48 (7) of the Maharashtra Land Revenue Code, asking the petitioners to pay penalty of Rs.3,70,400/-.

According to the petitioners, the petitioners had a licence to excavate and transport the sand and the Tahsildar was not justified in passing the order, imposing penalty.

Shri Fulzele, the learned Additional Government Pleader appearing for the respondents raises a preliminary objection to the tenability of the writ petition. It is stated that instead of filing the statutory appeal under the provisions of the Maharashtra Land Revenue Code before the Sub Divisional

Officer, wherein a grievance could be made by the petitioners about the order of the Tahsildar, the petitioners have rushed to this Court.

We uphold the preliminary objection raised on behalf of the respondents and decline to entertain the writ petition. The petitioners are free to challenge the order of the Tahsildar before the Appellate Authority, if so desired, in accordance with law.

Order accordingly. No costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar