

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10146 OF 2017

Nagindar S/o Bhimrao Landge

Age: 38 years, occu: Agri

R/o Balegaon, Tq. Basmat

Dist. Hingoli

Petitioner

Versus

1 The State of Maharashtra,
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai

2 The District Collector,
Hingoli, Tq. And Dist. Hingoli

3 The Tahsildar
Basmat, Tq. Basmat
Dist. Hingoli

Respondents

WITH

WRIT PETITION NO.10147 OF 2017

Bapuna S/o Kishanrao Gingine,

Age: 39 years, occu: Agri

R/o Pota

Tq. Aundha, Dist. Hingoli

Petitioners

versus

- 1 The State of Maharashtra,
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai
- 2 The District Collector,
Hingoli, Tq. And Dist. Hingoli
- 3 The Tahsildar,
Aundha, Tq. Aundha
Dist. Hingoli
- 4 The Sub-Divisional Officer,
Sub-Divisional Office, Basmat
Tq. Basmat, Dist. Hingoli

Respondents

**WITH
WRIT PETITION NO.10148 OF 2017**

Navnath S/o Bapurao Chakor,
Age: 35 years, Occu: agri
R/o Mategaon,
Tq. Basmat, Dist. Hingoli

Petitioner

versus

- 1 The State of Maharashtra,
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai
- 2 The District Collector,
Hingoli, Tq. And Dist. Hingoli

3 The Tahsildar,
Aundha Nagnath, Tq. Aundha
Dist. Hingoli

4 The Sub-Divisional Officer,
Sub-Divisional Office, Basmat
Tq. Basmat, Dist. Hingoli

Respondents

Mr. V.P. Kadam advocate for the petitioners
Mr. S.B. Pulkundwar, Mrs. S.S. Raut, Mr. A.V. Deshmukh,
Assistant Government Pleaders for Respondents

CORAM : **R. M. BORDE & S. M. GAVHANE, JJ.**

(Date: August 21, 2017)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petitions are taken up for final decision at admission stage.

3 The petitioners, the owners of the vehicles, have approached this Court, seeking directions to the respondent - revenue authorities to release their vehicles, seized on account of illegal transportation of the minor minerals by the petitioners. The petitioners contend that, the vehicles belonging to them have been seized by the revenue authorities. In spite of

tendering applications for release of vehicles, those have not been released.

4 In view of section 48(8) of the Maharashtra Land Revenue Code, the machinery or the equipment or the means of transport, used for unauthorised extraction, removal, collection, replacement, picking-up or disposal of minor minerals or transportation thereof, which is seized under sub-section (1), shall be produced before the Collector or such other officer, not below the rank of Deputy Collector, authorised by the Collector in this behalf, within a period of forty-eight hours of such seizure, who may release such seized machinery, equipment or means of transport on payment by the owner thereof such penalty as may be prescribed and also on furnishing personal bond of an amount not exceeding the market value of the seized machinery, equipment or means of transport, stating therein that, such seized machinery, equipment or means of transport shall not be used in future for unauthorised extraction, removal, collection, replacement, picking-up or disposal of minor minerals and transportation of the same. It is the contention of the petitioners that, though the vehicles are seized by the revenue authorities, those are not produced before the Collector or the revenue authority, within 48 hours as required by section 48 of the

Maharashtra Revenue Code. It is contended by the petitioners that, in Writ Petition No.10148/2017 and Writ Petition No.10147/2017, amount of penalty determined by the Tahsildar has been deposited by them. However, in spite of deposit of the amount, the vehicles have not been released.

5 In such circumstances, the respondents are directed to produce the vehicles belonging to the petitioners in Writ petition No.10148 and 10147 of 2017 within a period of three days from today before the Sub Divisional Officer, Basmat. The concerned officer shall, on tender of application by the respective petitioners, release the vehicles subject to furnishing of a personal bond of the amount, not exceeding the market value of the seized vehicle and also an undertaking to the effect that said vehicle shall not be used in future for unauthorised extraction, removal, collection, replacement, picking-up or disposal of minor minerals or transportation of the same. The concerned Sub Divisional Officer shall pass the order immediately on production of the vehicles and not later than two days from the date of such production. So far as Writ Petition No.10146/2017 is concerned, it is informed that the amount of penalty has been determined by the Tahsildar, however, the petitioner has not deposited the amount of penalty. It would be open for the petitioner to tender

an appeal to the authority provided under section 247 of Maharashtra Land Revenue Code and release of vehicle shall be subject to the order those may be passed in the appeal/revision proceedings. If the petitioner in Writ petition No.10146/2017 deposits the amount determined by the Tahsildar towards penalty, the order passed in Writ Petition No.10148 and 100147 of 2017 as above shall apply to the petitioner in Writ petition No.10146/2017.

6 Rule is made absolute to the extent specified above.

7 There shall be no order as to costs.

(S. M. GAVHANE, J)

(R. M. BORDE, J)