

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

955 WRIT PETITION NO. 2978 OF 2018
WITH WP/2979/2018
WITH WP/2980/2018
WITH WP/2981/2018
WITH WP/2997/2018

DINESH SHRIMANTRAO GHATERAO AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. A.B. Kharosekar
AGP for respondents: Mr. P.K. Lakhotiya

.....

CORAM : **R.M. BORDE & K.K. SONAWANE, JJ**

(Date: March 23rd, 2018)

PER COURT :-

1 The vehicles belonging to the petitioners have been apprehended since, according to the respondents, the petitioners were transporting minor minerals unauthorizedly and the permits pointed out by the petitioners prima facie appear to be not genuine.

2 A panchanama was recorded in that regard on 26.2.2018.

3 The respondents have issued notice to the petitioners, calling upon them to explain as to why the royalty and penalty shall not be recovered from them. It is informed that a final order has also been passed which is subject matter of appeals

presented at the instance of petitioner .

4 Provisions of Section 48(i) of the Maharashtra Land Revenue Code require production of the vehicle before the Sub Divisional Officer within a period of 48 hours, which mandate has not been complied by the revenue authorities. In the circumstances, we direct the respondent – Tahsildar to produce the vehicles before the Sub-divisional Officer on 26.3.2018. It would be open for the petitioners to tender application, seeking release of the vehicles before the Sub-divisional Officer on the aforesaid date. The Sub Divisional Officer shall pass appropriate order on complying with mandatory requirement i.e. executing personal bond of an amount, not exceeding market value of the seized vehicle as well as obtaining of undertaking to the effect that the vehicles in question will not be used for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same. The Sub Divisional Officer may also pass an order directing the petitioners to deposit amount of penalty subject, however, to the directions of the Appellate Authority in that regard. The Sub-divisional Officer shall pass orders in respect of release of vehicles forthwith, on production of the vehicles and tendering of application by the petitioners, for such release.

5 With the directions as above, the writ petitions are disposed of.

6 There shall be no order as to costs.

(K.K. SONAWANE, J)

(R.M. BORDE, J)

vbd