

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

902 CONTEMPT PETITION NO. 193 OF 2018
IN WP/2426/2018

SHRIDHAR BALASAHEB BHAKARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. A.B. Kharosekar
AGP for Respondents: Mr. P.N. Kutti

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

DATE : 5th April, 2018.

PER COURT:-

The instant contempt petition is presented by the petitioner making grievance as regards non-observance of the directions issued by this Court in W.P. 2426 of 2018 on 5.3.2018. The vehicle belonging to the petitioner bearing No. MH-44/K-9065 was seized by the revenue authorities on account of illegal transportation of minor minerals i.e. sand. A grievance was made in the writ petition that the revenue authorities have not observed the mandate of Section 48(8)(2) of the Maharashtra Land Revenue Code and as such, a direction was issued to the Tahsildar to produce the vehicle before the Deputy Collector authorized by the Collector in that behalf on 7.3.2018 and on production of the vehicle, the Deputy Collector or any other Officer authorized in that behalf was directed to forthwith release the vehicle on acceptance of bond for an amount not exceeding the market value of the seized vehicle. It was also directed that the respondents shall ensure production of an undertaking by the applicant/petitioner to the effect that

the vehicle in question will not be used in future for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same. It was further clarified that it would also be open for the Collector or Officer authorized in that behalf by the Collector to determine the amount of penalty and direct the owner of the vehicle to make payment thereof, subject, however, to the appellate orders, if any, on furnishing of personal bond and undertaking and penalty, if any, the concerned officer was directed to to release the vehicle forthwith.

2] In pursuance of the directions issued by this Court, the Sub Divisional Magistrate and Tahsildar, Majalgaon are present before this Court. It is pointed out that in observance of the directions issued by this court, the vehicle was produced before the S.D.O. It has been further pointed out that, in fact, there were two vehicles apprehended by the revenue authorities on 21.2.2018 and 6.3.2018, respectively, on account of transportation of minor minerals i.e. sand. Both the vehicles surprisingly bear the same registration number i.e. MH-44/K-9065. The vehicle apprehended on 21.2.2018 is a Truck, whereas, the vehicle apprehended on 6.3.2018 is a Tipper. The name of the driver of the vehicle apprehended on 21.2.2018 is recorded in the panchanama as Pandurang Shivaji Chaudhari, whereas, the same driver is stated to have driven the vehicle bearing same registration number which was apprehended on 6.3.2018. The Transport Department of the State does not issue same registration number to different types of vehicles. It does, prima facie, appears that owner of

the vehicle is plying different vehicles, with one and the same registration number. If the contentions recorded in the panchanama are found to be true, it would be an offence punishable under different enactments. It would be open for the revenue authorities to lodge appropriate FIR with the police authorities. Since it is noticed that there is an element of criminality in transportation of minor minerals, which had not been brought to our notice while we recorded the order on 5.3.2018, we deem it appropriate to recall the order passed by us in W.P. No. 2426 of 2018 on 5.3.2018. Aforesaid writ petition stands dismissed. Consequently, instant contempt petition also stands rejected.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-