

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

CRIMINAL WRIT PETITION NO. 659/2018

Shri Sandeep S/o Shravanji Chakole

..VS..

The SDO, Bramhapuri & anr.

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

Court's or Judge's orders

Shri P.J. Mehta, Advocate for the petitioner
Shri T.A. Mirza, APP for the respondents

CORAM : Z.A.HAQ, J.

DATED : 26/10/2018

By this petition, the petitioner has challenged the order passed by the Tahsildar by which the penalty is imposed on the petitioner as per the provisions of Section 48 (7) of the Maharashtra Land Revenue Code, 1966. The petitioner has also challenged the order passed by the Sub-Divisional Officer by which his appeal is dismissed as the petitioner failed to deposit 25% of the amount of penalty.

The submission on behalf of the petitioner is that the order passed by the Tahsildar is without jurisdiction in as much as the penalty could not have been imposed on the petitioner under Section 48 (7) and Section 48 (8) of the Code of 1966.

The learned APP has pointed out the judgment delivered by the Division Bench of this Court in W.P. No. 3105/2018 and other connected matters on 16/08/2018 (to which I am party) in which it is held that when the vehicle

loaded with stolen sand is stopped/seized, action against the person who is transporting the sand can be taken under Section 48 (7) and Section 48 (8) of the Code of 1966. The Tahsildar has recorded that the truck siezed by the authorities was carrying the sand without valid transit permit. The petitioner has not been able to point out that the sand which is seized, was being transported as per valid transit permit.

In the above facts, I do not find any illegality in the impugned orders.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari