

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 5039 OF 2019**

Balu Shankar Patil  
Age: 46 years, Occu. Agri.,  
R/o. Kargaon, Tq. Chalisgaon,  
Dist. Jalgaon.

... Petitioner

Versus

1. The State of Maharashtra  
Through it's Principal Secretary,  
Revenue and Forest Department,  
Mantralaya, Mumbai.
2. The Collector,  
Jalgaon, Dist. Jalgaon.
3. The Tahsildar,  
Chalisgaon, Tq. Chalisgaon,  
Dist. Jalgaon.
4. The Talathi,  
Sajja Chalisgaon (City),  
Tq. Chalisgaon, Dist. Jalgaon.

... Respondents

....

Mr. V. S. Khairnar, Advocate for petitioner.  
Ms. G. L. Deshpande, AGP for the State.

....

**CORAM : PRASANNA B. VARALE  
AND  
NITIN W. SAMBRE, JJ**

**DATED : 26<sup>th</sup> APRIL, 2019**

**PER COURT:-**

1. Heard learned counsel for the petitioner and learned AGP for the State.

2. The petitioner is challenging the show cause notice dated 06/03/2019 issued by the Tahsildar, Chalisgaon, pursuant to the provisions of Section 48 (7) and (8) of the Maharashtra Land Revenue Code, 1966, as his vehicle i.e. tractor which was having attachment of trolley bearing registration No. MH-19-BG-0316 was found to be transporting sand illegally i.e. without any royalty pass, the petitioner was called upon to pay royalty, penalty etc. to the tune of Rs. 1,31,493/- by the said notice.

3. Learned counsel for the petitioner submits that the petitioner will face said proceedings, however his vehicle may not be detained.

4. Per contra, learned AGP submits that the release of vehicle may be subject to reasonable conditions of payment of amount of fine.

5. In response to the above, learned counsel for petitioner submits that the petitioner shall deposit an amount of Rs.15,000/- with the office of Tahsildar, Chalisgaon, within a period of four weeks from today.

6. If, the petitioner deposits an amount of Rs.15,000/- with the office of Tahsildar, the Tahsildar, Chalisgaon shall be duty bound to release the aforesaid tractor of the petitioner.

7. Needless to say that the petitioner has every right to object the notice by filing appropriate reply before the Tahsildar and the aforesaid deposit will be subject to final outcome of the said proceedings.

8. If, the Tahsildar discharges the notice issued to the petitioner, the amount deposited by the petitioner be refunded to the petitioner within a period of eight weeks from such date of order of the Tahsildar.

9. The writ petition stands disposed of in above terms.

**( NITIN W. SAMBRE )**  
**JUDGE**

**(PRASANNA B. VARALE)**  
**JUDGE**

SMS