

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.5207 OF 2021

Swapnil s/o Shankarao Borode

Vs.

State of Maharashtra, through its Secretary, Revenue and Forest Department, Mumbai and
others

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

Court's or Judge's orders

Ms. M. M. Ghatode, Advocate for petitioner.
Ms. N. P. Mehta, AGP for respondent Nos.1 to 5.

CORAM : AVINASH G. GHAROTE, J.
DATE : 13/12/2021

Heard Ms. Ghatode, learned counsel for the
petitioner.

2. The petition challenges the order dated 09.06.2021, passed by the respondent No.4, under the provision of Section 48(7) of the Maharashtra Land Revenue Code, imposing penalty upon the petitioner for transportation of sand illegally.

3. Learned counsel for the petitioner submits, that the transportation was not illegal but was under a transit pass issued by the authorities, considering which, the impugned order could not have been passed. She further contends that all the original documents, were taken into custody by the respondent No.4 at the time of the seizure and no seizure panchnama was made, which is the reason that petitioner is not having any details regarding the transit pass.

4. It is not disputed, that the authority issuing the transit pass is different one, than the authority which has conducted the seizure, which being the position, nothing prevented the petitioner from obtaining a duplicate or certified copy of the transit pass to substantiate the contention, that the transportation of sand was not illegal but was under a validly issued transit permit/pass. However, this has not been placed on record, either before the respondent No.4 or before this Court also. That apart, the reply of the petitioner dated 21.05.2021 submitted to the respondent No.4, in pursuance to the show cause notice dated 17.05.2021, also does not make any mention about transit pass having been issued nor does it contain any details whatsoever, regarding the authority which has issued the transit pass, the point of origin and the point of destination or the time frame for the transportation, nor does the reply contain a grievance as raised now, that the original documents were taken into custody by the respondent No.4 or that the seizure was without a requisite panchnama in that regard. This being the situation, I do not see any ground made out for interference in the impugned order. The petition is therefore, without any merit and is accordingly dismissed. No costs.