

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 828 OF 2022

Sagir Ansari s/o Jabir Ansari, aged
about : 48 years, occupation :
Business, r/o Taj Society,
Pandharkawda, Tq. Pandharkawda,
District – Yavatmal.

.... PETITIONER

// VERSUS //

1. State of Maharashtra, through its
Secretary, Revenue and Forest
Department, Mantralaya, Mumbai –
32.
2. The Additional Collector, Yavatmal
District Yavatmal.
3. The Sub-Divisional Officer, Yavatmal,
Distt. Yavatmal.
4. The Tahsildar, Yavatmal, Tah.
Yavatmal, Distt. Yavatmal.

.... RESPONDENTS

Shri P.S. Wathore, Advocate for the petitioner.
Mrs. T.H. Khan, A.G.P. for respondent nos. 1 to 4.

CORAM : ROHIT B. DEO, J.
DATED : 01.03.2022

ORAL JUDGMENT :

RULE. Rule made returnable forthwith. Heard finally with
consent of the parties.

2. Mrs. T.H. Khan, waives service for respondents 1 to 4.

3. The petitioner is assailing the order dated 06.12.2021 rendered by the Tahsildar, Yavatmal, whereby in addition to the penalty imposed for illegal transportation of sand, penalty is also imposed for illegal user of vehicle.

4. In view of the provisions of Section 48(8)(2) of the Maharashtra Land Revenue Code (the MLR Code), the Tahsildar could not have imposed the penalty for illegal use of vehicle, which aspect is within the jurisdiction of the Sub-Divisional Officer.

5. The order impugned is quashed to the extent penalty of Rs.1 lakh (Rupees One Lakh only) is imposed for illegal user of vehicle.

6. The aspect of penalty for illegal user of vehicle and release of vehicle subject to conditions, shall be decided by the Sub-Divisional Officer.

7. Insofar as, the penalty imposed by the Tahsildar for illegal transportation of sand, the petitioner has already availed the statutory remedy of appeal and may prosecute the same.

8. The petition is partly allowed and disposed of.

(ROHIT B. DEO, J.)