

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

WRIT PETITION NO. 2733 OF 2022
(Praful Kisanrao Mangulkar Vs. State of Maharashtra & Others)
WITH
WRIT PETITION NO. 3016 OF 2022
(Dayanand Jangaji Soyam Vs. State of Maharashtra and others)
WITH
WRIT PETITION NO. 3018 OF 2022
(Mohammad Rafik Sheikh Ajanu Vs. State of Maharashtra & Others)
WITH
WRIT PETITION NO. 3019 OF 2022
(Dharmendra Shankar Khaparde Vs. State of Maharashtra & others)
WITH
WRIT PETITION NO. 3020 OF 2022
(Jagdish S/o Sahebrao Kalhane Vs. State of Maharashtra & Others)

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

Court's or Judge's orders

Mr. A.R. Ingole, Advocate for Petitioner
Mr. K.L. Dharmadhikari, AGP for Respondent – State in WP
No.2733/22, WP No. 3018/2022 & WP No.3020/2022.
Mrs. S.S. Jachak, AGP for Respondent – State in WP No.
3016/2022 & WP No. 3019/2022

CORAM : MANISH PITALE, J.

DATE : 17th JUNE, 2022

In all these petitions, the petitioners have directly challenged orders passed by the respondent – Tahsildar imposing penalty for illegal transportation of minor mineral i.e. sand. There is an alternative remedy of appeal available to the

petitioners under the provisions of the Maharashtra Land Revenue Code, 1966, for raising the grievance, which is sought to be raised in these petitions.

2. The learned counsel for the petitioners submits that in all these cases, while the quantum of excess sand is less, penalty has been imposed by taking into consideration even the amount of sand for which valid permits were available with the petitioners. Merely because such a ground is raised, it cannot be said that the present petitions could be entertained directly by this Court. There are no grounds made out by the petitioners either showing lack of jurisdiction in the respondent – Tahsildar while passing the orders or there being any violation of principles of natural justice or other such grounds justifying filing of the present petitions instead of availing the alternative remedy.

3. In view of the above, the writ petitions are dismissed with liberty to the petitioners to avail of the alternative remedy available under the provisions of the aforesaid Code.

JUDGE