

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

WRIT PETITION NO. 3357 OF 2022

Ramesh Gendalal Prasad

Vs.

State of Maharashtra, Thru. Secretary, Revenue and Forest Department, Mantralaya,
Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or 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 Nos.1 to 4.

CORAM : MANISH PITALE J.

DATE : 27.06.2022.

When this petition is called out for hearing, it is brought to the notice of this Court by the learned counsel for the petitioner that the case is covered in favour of the petitioner in the light of the admitted position on the facts that the allegation against the petitioner was that the vehicle belonging to him was carrying Gitti i.e. metal stone, which is a finished product and not a mineral.

2. Attention of this Court is invited to recent order dated 14.06.2022 passed by this Court in Writ Petition No.2803/2022 (*Aftab Sheikh s/o Arif Sheikh Vs. State of Maharashtra and Ors.*).

3. The learned AGP appearing on behalf of the respondent authorities could not dispute the position of law followed in the said order passed by this Court.

4. This Court is convinced that the present case is completely covered in favour of the petitioner and that the vehicle of the petitioner could not be seized under Section 48 of the Maharashtra Land Revenue Code, 1966, particularly in view of the fact that the said vehicle was allegedly transporting Gitti, which is a finished product and not a mineral.

5. In view of the above, the writ petition is allowed. The impugned order is quashed and set aside. The respondents are directed to forthwith release the Truck of the petitioner bearing Registration No.MH-29-M-0790.

JUDGE