

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

WRIT PETITION NO. 3581 OF 2022

Ramchandra Dadaji Tangle vs. State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Mir Nagman, Advocate for petitioner.
Ms. Sangita Jachak, AGP for respondents.

CORAM : MANISH PITALE J.

DATE : 01/07/2022

This petition is coming up for consideration for the first time, but since the office of the Government Pleader was served with an advance copy, learned AGP has appeared for respondents. The petition is taken up for final disposal.

2. The learned counsel for the petitioner points out that in the present case, the impugned action undertaken by the respondents is wholly without jurisdiction for the reason that the provisions of the Maharashtra Land Revenue Code, 1966 could not have been invoked.

3. According to the respondent, the petitioner was transporting *Gitti* i.e. a finished

product and not a mineral and therefore, provisions of the aforesaid Code could not have been invoked for seizing the vehicle belonging to the petitioner.

4. The learned counsel for the petitioner has placed reliance on judgment of this Court dated 22/03/2022 passed in Writ Petition No.1251 of 2022 and connected petitions. In the said judgment this Court has referred to earlier series of judgments wherein it is held by a Division Bench of this Court that Gitti i.e. metal stone or crush stone is a finished product and it cannot be treated as a mineral for invoking the provisions of the aforesaid Code.

5. The learned AGP was unable to distinguish the present case on facts, therefore, this Court is convinced that the position of law is clearly in favour of the petitioner.

6. Accordingly, the writ petition is allowed in terms of the prayer clause (a) and (b), which reads as follows :-

a) Issue appropriate writ, order or directions to quash and set aside the impugned order dated 16/06/2022 passed by the Tahsildar, Paoni (respondent no.2).

b) Issue appropriate writ, order or directions directing the respondent no.2 to release the Tipper bearing registration no. MH 40 BG 3536 detained since 17/06/2022 to the petitioner forthwith during the pendency of writ petition;

JUDGE

*Digitally signed by*RAVIKANT
CHANDRAKANT KOLHE
*Signing Date:*04.07.2022
10:48

KOLHE