

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

Writ Petition No.4909/2022

Shrikant Kharap V State of Maharashtra and others

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

Court's or Judge's Orders

Mr. A.P. Chaware, Advocate for petitioner.
Mr. N.R. Patil, AGP for resp. nos.1 to 4.

CORAM : AVINASH G GHAROTE, J.
DATE : 18-08-2022

Heard the learned Counsel for the petitioner.

It is submitted that by impugned order dated 01-02-2022 (pg 17), the learned Tahsilder has imposed the fine upon the illegal excavation of sand as well as penalty on the vehicle in question. It is contended that the imposition of penalty upon the vehicle is the domain of the S.D.O. and therefore to that extent the impugned order cannot be sustained. Under Section 48 (8)(2) of the Maharashtra Land Revenue Code, it is the Collector or his nominee, which in this case is the S.D.O., who is empowered to impose the penalty upon the vehicle, considering which, the impugned order to the extent of imposition of penalty on the vehicle by the learned Tahsildar is quashed and set aside.

The matter is remanded back to the learned S.D.O. for

determining the penalty on the vehicle.

Petition is partly allowed. No costs.

JUDGE

Deshmukh