

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.613 OF 2023

**SUBHASH LAXMAN GORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

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WRIT PETITION NO.671 OF 2023

**DNYANESHWAR PRALHAD PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS**

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Advocate for Petitioner/s: Mr. A. B. Kharosekar
AGP for Respondents/State in WP No.613/2023: Mr. P. K. Lakhotiya
AGP for Respondents/State in WP No.671/2023: Mrs. M. A. Deshpande

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**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 17.01.2023

PER COURT :

1. The petitioners are impugning the notices issued by the respondent/Tahsildar intending to take steps pursuant to the powers vested in him under Section 48(7) of the Maharashtra Land Revenue Code, 1966 [for short 'the Code'].
2. The learned advocate for the petitioners submits that the petitioners' vehicles were not used either for excavation or transportation of mines and minerals and Tahsildar had no jurisdiction to issue any notice under Section 48(7) of the Code.

3. Considering the fact that the petitions involve disputed question of facts, which cannot be gone into in exercise of the powers under Article 226 in peculiar facts and circumstances.

4. The petitioners have already responded to the show cause notices. Therefore, the petitions are disposed of by permitting them to file additional response to the show cause notice and directing respondent/Tahsildar to pass appropriate order by extending the petitioners an opportunity of being heard and to file additional reply, if the final orders are not already passed, as expeditiously as possible and in any case within two weeks. The petitioners shall file their additional reply by tomorrow.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

Sameer