

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

906 WRIT PETITION NO.10327 OF 2023

Bhika @ Bhikanrao Bhatu Patil.

.. PETITIONER

VERSUS

- 1] The State of Maharashtra
- 2] The Collector, Dhule.
- 3] Sub Divisional Officer, Dondaicha.
- 4] The Tahsildar, Dondaicha.
- 5] The Addl.Tahsildar, Dondaicha.
- 6] The Circle Officer, Shahada, Tq. & Dist. Dhule.

.. RESPONDENTS

...

Advocate for the petitioner : Mr.A.R.Syed
AGP for Respondent-State : Mr.K.N.Lokhande

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 05.09.2023

P.C. :

- 1] Heard the learned counsel for the parties.
- 2] The petitioner was issued notice for carrying minor minerals without payment of royalty of one brass and the vehicle was also seized and the Tahsildar had imposed penalty royalty of Rs.8150/- as well as Rs.1,00,000/- each

on the wrong use of the vehicle, the total amount of Rs.2 lacs.

3] The learned counsel for the petitioner relies upon the judgment in the case of **Mayur Motilal Patil and another Vs. The State of Maharashtra & others** in Writ Petition No.8756 of 2023, decided on 11th August, 2023 wherein it has been held that the Tahsildar has no jurisdiction to pass the order on wrong use of the vehicle.

4] In view of the same, the amount imposed for wrong use of the vehicle by the Tahsildar is set aside. The vehicle is directed to be released on payment of Rs.8150/-, however, this will not preclude the authority from passing any appropriate orders for wrong use of the vehicle. Such orders are passed, the petitioner would be liable to make payment and surrender the vehicle, if directed.

5] The authorities will be at liberty to take action as per law. The petitioner would also file an undertaking that he would abide by the order if passed pursuant to the

fresh action, if any, taken by the authorities. The vehicle shall not be used hereinafter for any illegal purpose. Till the action is finally disposed off he shall not transfer the vehicle. The said undertaking be filed before the authorities within a period of two [2] weeks from today by filing copy in this Court.

6] In view of the above observations, the Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC