

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

99 WRIT PETITION NO.12510 OF 2022

Nilesh s/o. Sahebrao Zaware.

.. PETITIONER

VERSUS

- 1] The State of Maharashtra.
- 2] The Collector, Ahmednagar.
- 3] The Sub Divisional Officer, Rahuri,
- 4] The Tahsildar, Rahuri.
- 5] The Circle Inspector, Satral, Tq.Rahuri
- 6] The Talathi, Kaandgaon, Tq.Rahuri.

.. RESPONDENTS

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Advocate for the petitioner : Mr.P.P.Kalaskar
AGP for Respondent-State : Mr.N.T.Bhagat

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.09.2023

P.C. :

- 1] Heard the learned counsel for the parties.
- 2] The learned counsel for the petitioner submits that *Gitti* [metal stone] was transported in the petitioner's vehicle, which is intercepted and detained by the Tahsildar. The Tahsildar, Rahuri has issued notice / order of penalty of Rs.2,40,000/- under Section 48 (7) and (8) of the Maharashtra Land Revenue Code, 1966 and seized the

vehicle of the petitioner. The learned counsel for the petitioner relying upon the judgment in the case of **Subhash Yadavrao Matte Vs. State of Maharashtra & others** in Writ Petition No.400 of 2022 and submits that Gitti [metal stone] transported by the petitioner's vehicle is not a minor mineral, as such, no penalty under Section 48 of the Maharashtra Land Revenue Code can be imposed.

3] In view of the same, the impugned notice / order dated 15.11.2022 issued by the Tahsildar, Rahuri, District Ahmednagar and consequential order passed thereon are quashed and set aside. The vehicle of the petitioner be released after receipt of the order of this Court within three days for production of this order.

4] Any amount deposited by the petitioner be refunded back.

5] Writ Petition is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE