

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

WRIT PETITION NO.13835 OF 2023

Radhakrishna s/o. Raosaheb Dusunge,
Age : 35 years, Occu : Business,
R/o. Kapurwadi, Taluka Nagar,
District Ahmednagar.

...PETITIONER.

V/S.

1. The State of Maharashtra,
Through it's Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai 400 032.
 2. The Collector,
Collector Office, Ahmednagar.
 3. The Sub Divisional Officer,
Shrigonda, Taluka Shrigonda,
District Ahmednagar.
 4. The Tahsildar,
Tahsil Office, Parner,
Taluka Parner, District Ahmednagar
- ...RESPONDENTS.**

...
Advocate for Petitioner : Mr. A.B. Kharosekar
AGP for Respondents/State : Mr. S.B. Pulkundwar
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : 01/11/2023**

JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent of parties, heard finally.
2. By way of present writ petition, the petitioner is challenging the order dated 25.10.2023 passed by the Tahsildar, Parner under section 48 (7) of the Maharashtra Land Revenue Code for transporting 'Khadi', being the minor mineral without royalty.
3. The learned counsel for the petitioner has submitted that this Court has consistently held that 'Khadi' is not minor mineral and has produced

the order passed by this Court in the case of Shekhar Bhanudas Dethe Vs. The State of Maharashtra and Ors. in Writ Petition No. 3504/2023 dated 10.04.2023 and thereafter, various orders have been passed by this Court holding that 'Khadi' is not minor mineral and as such, the State is not entitled to charge royalty on the same.

4. In view of the consistent view of this Court that 'Khadi' is not minor mineral, the impugned order dated 25.10.2023 passed by the Tahsildar, Parner is quashed and set aside. The vehicle of the petitioner, if detained in pursuance of the notice, be released forthwith.

5. The writ petition is allowed.

6. Rule is made absolute in above terms.

[ARUN R. PEDNEKER J.]

ssc/