



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4588 OF 2022

Shri Chandrakant Shankareppa Guddodagi ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Nilesh Wabale a.w. Mr. Shubham K Kanade for Petitioner.

Mr. K. S. Thorat, AGP for State-Respondents.

**CORAM : K. R. SHRIRAM &
FIRDOSH P. POONIWALLA, JJ.**

DATE : 17TH AUGUST 2023

P. C.:-

1. Prayer clause (b) in the Petition reads as under:-

“This Hon’ble Court by issuing appropriate writ, order or direction be pleased to direct the Respondent No.2 to 5 to release the vehicle’s Tipper bearing No. MH-10-Z4392, in view of the provisions of Clause No.2 of Sub Section 8 Section 48 of Maharashtra Land Revenue Code;”

2. Clause-2 of Sub-Section 8 of Section 48 of the Maharashtra Land

Revenue Code, 1966 reads as under:-

“(2) Such machinery or equipment or means of transport, used for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals or transportation thereof, which is seized under sub-section (1), shall be produced before the Collector or such other officer not below the rank of Deputy Collector authorised by the Collector in this behalf, within a period of forty-eight hours of such seizure, who may release such seized machinery, equipment or means of transport on payment by the owner thereof of such penalty as may be prescribed and also on furnishing personal bond of an amount not exceeding the market value or the seized machinery, equipment or means of

transport, stating therein that such seized machinery, equipment or means of transport shall not be used in future for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same.”

3. In the Affidavit in Reply filed by State through one Sudhakar Revansiddha Magade, affirmed on 11th August 2023, in paragraph No. 4, it is mentioned that the penalty would be of Rs.5,93,283/-. In Paragraph 7 it is recorded that an amount of Rs. 5,90,325+ Rs. 2,958 is payable by Petitioner after giving credit to the amount recovered by selling four brass of sand which was available for auction.

4. Petitioner may pay the amount as mentioned in the Affidavit of Mr. Sudhakar Revansiddha Magade and also furnish a personal bond as required to be furnished in terms of Clause-2 of Sub-Section 8 of Section 48 of the Maharashtra Land Revenue Code, 1966.

5. Upon complying with the above, vehicle may be released. If Petitioner does not pay the amount or give the bond as mentioned above within four weeks from today, Respondents may take steps to dispose the vehicles and recover the penalty amount.

6. Petition disposed.

(FIRDOSH P. POONIWALLA, J.)

(K. R. SHRIRAM, J.)