

Sayali Upasani

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

**WRIT PETITION NO. 12072 OF 2022**

Shri. Aditya Dharmendra Goyal and Others ...Petitioners

**Vs.**

The Tahsildar and Executive Magistrate, ...Respondents  
Thane and Others

Mr. S.G. Karandikar, i/b Mr. Arvind G. Kundekar, for  
Petitioners.

Mr. P.P. Pujari, AGP, for State-Respondent.

**CORAM:- N. J. JAMADAR, J.**

**DATED:- 2<sup>nd</sup> May, 2023**

**PC:-**

1) Heard the learned Counsel for the petitioners and the learned AGP for the respondents.

2) This Petition assails an order dated 12<sup>th</sup> July, 2022, passed by the Tahsildar, Thane, under Section 48(7) of the Maharashtra Land Revenue Code, 1966, whereby the Tahsildar has imposed a penalty of Rs.1,71,05,04,768/-, for having stored minor minerals at survey No.112, 118, 114, 129, 160, 158, 96, 97, 98, 90/A, 90/B, 92, 93/A, 93/B, 94/B, 95/A, 95/B, 156 and 133 of Mauje

Diva. The Tahsildar further directed that in the event of default in payment of the said amount, it be recovered as arrears of land revenue.

3) Mr. Karandikar, the learned Counsel for the petitioner invites the attention of the court to the observations in paragraph No. 4 of the impugned order, wherein it is recorded that the notice could not be served on the petitioner and, therefore, the petitioner could not be heard.

4) Evidently, the petitioner was not served with a notice. The Tahsildar proceeded on the premise that a copy of the notice was published at the office (Chawadi).

5) The learned AGP could not dispute that the petitioner was provided an efficacious opportunity of hearing.

6) Therefore, the impugned order which has been passed in violation of fundamental principles of judicial process deserves to be quashed and set aside.

7) Thus the following order.

**ORDER**

i) The Petition stands allowed.

(ii) The impugned order dated 12<sup>th</sup> July, 2022 passed by the Talsildar, Thane, stands quashed and set aside.

(iii) The consequent proclamation and forfeiture notice dated 31<sup>st</sup> March, 2023, also stands quashed and set aside.

(iv) The petitioner shall appear before the Tahsildar, Thane, on 15<sup>th</sup> May, 2023.

(v) The Tahsildar shall pass appropriate order after providing an effective opportunity of hearing to the petitioner.

(vi) It is clarified that this Court has not entertained into the merits of the matter and all contentions are kept open for consideration.

(vii) In view of the setting aside of the impugned order, the Appeal before Sub-Divisional Officer Thane and Revision before the State Government do not survive and accordingly stand disposed.

**[N. J. JAMADAR, J.]**