

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.692/2023

Santosh s/o Babarao Jungari

...Versus...

The Tahsildar, Wani having its office at Wani, Tah. Wani, Distt. Yavatmal and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Tejas Deshpande, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 30/01/2023

1. Heard Shri Tejas Deshpande, learned counsel for the petitioner.
2. Issue notice for final disposal to the respondents, returnable forthwith.
3. Learned Assistant Government Pleader Mrs. M.A. Barabde waives service of notice for the respondents.
4. The impugned order dated 19/01/2023 (pg.13) imposes a penalty on stone metal, which does not fall within the definition of minor mineral under the Mines and Minerals (Development and Regulation) Act, 1957, nor there is any notification declaring it to be so.

5. In view of the above position, the impugned order passed under Section 48 (8) of the Maharashtra Land Revenue Code cannot be sustained. The impugned order is, therefore, quashed and set aside. The writ petition is allowed in the above terms. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar