

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 580 OF 2024

Mahendra Maharu Sonawane

VERSUS

The State Of Maharashtra Through Its Secretary And Another

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Advocate for the Petitioner : Mr. Madake Datta A.

AGP for Respondent/State : Mr. A.S. Shinde

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 18, 2024

PER COURT:-

1. Heard learned counsel for the petitioner.
2. Issue notice to the respondents. Learned AGP waives service of notice for the respondents.
3. This is another example of the abuse of the process of law. The Tahsildar issued a notice dated 19.09.2023 to the petitioner, calling upon him to explain why the proposal of the penalty of Rs.22,885/- should not be confirmed. Surprisingly, the counsel for the petitioner states that the petitioner appeared in person before the Tahsildar. However, he has submitted his oral submissions. He also went on to state that he was ready to deposit the proposed fine amount, but the Tahsildar did not accept it. A simple notice calling upon the petitioner and explanation as required under the provisions of the Maharashtra Land Revenue Code was issued. The petitioner approached this Court directly after four months.

4. Learned AGP would submit that it was not the order but a simple notice calling upon the petitioner to say. The petitioner is not making a written submission before the Tahsildar; however, by abusing the process of law, he approached this Court under writ jurisdiction.

5. For exercising the writ jurisdiction, there must be injustice prima facie caused to the petitioner by the Government. In this case, the Government is taking action for stealing the minor minerals. It is a quasi-judicial proceeding. Every order passed by the Revenue Officer is appealable as provided under Section 247 of the Maharashtra Land Revenue Code. Instead of approaching the appropriate Court, a large number of people are seen coming directly to the High Court under writ jurisdiction. There should be a break to such practice must be. Due to the impugned notice dated 19.09.2023, nothing will happen against him. It was just a notice. No final orders have been passed, as stated by the petitioner's counsel. The petition is apparently misconceived and an abuse of the process of law. Hence, the petition stands dismissed at the admission stage with a cost of Rs.5,000/- to be paid to the Aurangabad District Court Bar Association Library within a week from today. The petitioner should submit the receipt to the Registrar (Judicial) of this Court within one week from today.

(S.G. MEHARE, J.)