



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

WRIT PETITION NO.13096 OF 2024

SHIVAJI SADHASHIV KHARAT

..PETITIONER

VS

THE STATE OF MAHARASHTRA

AND ORS

..RESPONDENTS

Adv. Vivek V. Salunke for petitioner.

Shri S. B. Kalel, AGP for respondent – State.

**CORAM : A. S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 20th September 2024.

P.C. :

1. The petitioner is aggrieved by the action taken by the Revenue Authorities under Section 48 of the Maharashtra Land Revenue Code, 1966 (for short 'the Code') on 12th April 2024. On the ground that there has been illegal excavation of half brass of murum, the action was taken by the Tahsildar. Based on this action, the petitioner's vehicles have been seized and penalty has been imposed thereon. In so far as the petitioner's vehicles are concerned, the penalty also being imposed to the extent of Rs.8,50,000/-. The petitioner approached the Sub-Divisional Officer by filing appeals under Section 247 of the Code which came to be dismissed on 24th July 2024. Seeking release of the vehicles, the petitioner has approached this

Court.

2. Our attention is invited to the order dated 25th January 2021 passed in Writ Petition No.3146 of 2020 (*Shashikant Yewale Versus The State of Maharashtra and others*) whereby subject to the owner of the vehicle furnishing a bond along with security, the vehicle in question was permitted to be released.

3. Considering the fact that the petitioner has got the remedy of challenging the order imposing penalty on the vehicles, we are not inclined to interfere with that part of the order. The petitioner is free to file an appeal before the Collector challenging the order dated 24th July 2024.

4. However, in so far as the seizure of the tractor and JCB are concerned, subject to the petitioner complying with the provisions of Section 48(8)(ii) of the Code by furnishing a bond along with security, the said vehicles can be released.

5. Accordingly, the following directions are issued:-

(i) In so far as the amount of penalty imposed on the petitioner's vehicles are concerned, the petitioner is free to avail further statutory remedy. The appeal before the Collector be filed within a period of two weeks from today.

(ii) On the petitioner complying with the provisions of Section 48(8)(ii) of the Code by furnishing a bond along with security, the seized vehicles shall be released.

(iii) The amount of penalty of Rs.3100/- levied on half brass of murum shall be deposited with the Tahsildar within a period of two weeks from today.

6. Keeping the points raised on merits open, the Writ Petition is disposed of.

7. Parties to act on an authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]