



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

WRIT PETITION NO. 1950 OF 2024

Sagar S/o Bhanudas Zalke
Aged about 30 years,
Occupation : Agriculturist
R/o Kotha, Kalamb, Tah. Kalamb,
District – Yavatmal

PETITIONER

VERSUS

1 The Additional Collector,
Yavatmal, District – Yavatmal

RESPONDENTS

2 The Sub Divisional Officer, Yavatmal,
District – Yavatmal

3 The Tahsildar, Babhulgaon,
Tq. Babhulgaon, Distt. Yavatmal

4 Police Station Officer, Police Station,
Kalamb, Tq. Kalamb, District - Yavatmal

Mr. A.R. Ingole, Advocate for petitioner

Ms. Mayuri Deshmukh, AGP for Respondents / State

CORAM : BHARAT P. DESHPANDE, J.

DATE : 21st MARCH, 2024

ORAL JUDGMENT

Rule. Rule is made returnable forthwith. Heard finally with consent at the admission stage.

2. The petitioner is challenging the order dated 18/07/2023, passed by the Tahsildar, Babhulgaon, and the Sub-Divisional Officer, Yavatmal dated 11/09/2023, thereby imposing fine five times the value of the sand as well as the amount of Rs.1,00,000/- (Rs. One Lac) for the use of the vehicle.

3. The learned counsel for the petitioner submits that both these authorities are not having jurisdiction to impose fine for the use of the tractor for transportation of sand. He submits that in identical case, this Court vide order dated 15/03/2024, in Writ Petition No.1655/2024, allowed the petitioner to deposit the fine imposed by the Tahsildar, except the fine with regard to the vehicle under protest for release of the vehicle.

4. The learned Assistant Government Pleader would submit that the petitioner is having alternate efficacious remedy by way of filing appeal under Section 247 of the Maharashtra Land Revenue Code before the Collector.

5. In view of the above fact, the petitioner is permitted to deposit the fine amount imposed by the concerned authorities except the fine imposed on the vehicle i.e. Rs.1,22,435/- (Rs.

One Lakh Twenty Two Thousand Four Hundred Thirty Five) under protest within a period of two weeks with the concerned Authority for release of the vehicle and to approach the appellate authority to agitate his grievance against the impugned orders.

6. With the above liberty, the petitioner is permitted to withdraw the present petition and to approach the appellate authority, thereby challenging the orders passed by the Tahsildar and Sub-Divisional Officer, imposing fine for illegal transportation of sand. The petition stands disposed of in the above terms. No costs.

Rule is made absolute in the above terms.

(BHARAT P. DESHPANDE, J.)

MP Deshpande