



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

WRIT PETITION NO.6762/2023

Vinod Nandlal Maniyar,
aged 64 years, Occ. Contractorship,
Resident of Tilak Ward, Warora,
Tahsil Warora, Dist. Chandrapur.

.....**PETITIONER**

...V E R S U S...

1. State of Maharashtra, through
Secretary, Revenue and Forest
Department, Mantralaya, Mumbai – 32.
2. The Divisional Commissioner, Nagpur.
3. The Collector, Chandrapur.
4. The Sub Divisional Officer, Warora.
5. Tahsildar, Warora.

...**RESPONDENTS**

Mr. A. S. Dhore, Advocate for petitioner.
Mr. A. J. Gohokar, A.G.P. for respondents.

CORAM:- ANIL L. PANSARE, J.
DATED :- 15.07.2024

ORAL JUDGMENT

Rule. Rule is made returnable forthwith. Heard finally
with the consent of the learned counsel appearing for the rival
parties.

2. The material in question is Gitti, which is covered by
the judgment of this Court in Writ Petition No.138/2022 (Milind
Chandrabhan Telgote and another v. The State of Maharashtra,

through its Secretary, Revenue and Forest Department, Mantralaya, Mumbai and others, decided on 30.03.2022). The Division Bench of this Court in the case of Milind Chandrabhan Telgote (supra) has held that Gitti is not a minor mineral, but it is a finished product, which position is not disputed by the learned A.G.P. for the respondents.

3. In that view of the matter, the impugned order is hereby quashed and set aside and the respondents are directed to release the vehicle i.e. Truck/Tipper bearing registration No. MH-34/M-7940 as well as the material in favour of the petitioner.

5. At this stage, counsel for the petitioner submits that the vehicle has been seized on 17.11.2022. It has been almost 20 months, the truck/tipper is lying idle. The counsel submits that the petitioner has suffered losses because of action taken by the revenue authorities, which apparently was contrary to the law laid down by this Court in Milind's case (supra), which was circulated with the revenue authorities. Counsel for the petitioner accordingly seeks permission to claim compensation against the revenue authorities.

6. Considering the fact that the issue involved had been already settled and the order passed by this Court having been

circulated amongst the revenue officers, to my mind, the petitioner will be entitled to seek compensation, of course, subject to proof. Hence, permission is granted.

7. Rule is made absolute in the above terms. No order as to costs.

(Anil L. Pansare, J.)

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