



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

47 WRIT PETITION NO. 4396 OF 2022

MAHENDRA SHIRISH PATIL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Chaudhari S.U.
AGP for Respondent Nos 1 to 5/State : Mr. K.B. Jadhavar

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 08.12.2025

PER COURT :

1. Heard Mr. Chaudhari S.U., learned Counsel for the petitioner and Mr. Jadhavar, learned AGP for respondent Nos. 1 to 5-State.
2. By way of present petition, the petitioner assails the orders dated 12.08.2021 and 14.08.2021 passed by the Talsildar, Nandurbar, whereby, the JCB vehicle bearing registration No. MH-39-F-4797 owned by the petitioner was seized and penalty was imposed upon petitioner. The said order was confirmed in R.T.S. Appeal No. 47 of 2021 vide order dated 24.01.2022 passed by the Assistant Collector, Nandurbar.
3. The learned Counsel for the petitioner submits that neither Talathi nor Tahsildar have powers under Section 48 of the Maharashtra Land Revenue Code, 1966 (for short "the Code") to seize the vehicle and impose penalty upon the petitioner. In support of his contention he relied upon the judgment passed by this Court in **Raviraj s/o Dhanraj Puri Vs. The State of Maharashtra**, reported in 2025 DGLS (Bom.) 1712,

particularly on paragraph No. 11 which reads as under :

“11. Thus, the power to release the vehicle or impose penalty is given to the officer not below the rank of Deputy Collector. In the present case, the power has been exercised by the Tahsildar.”

and submitted that the order passed by the Tahsildar was without jurisdiction and therefore, the same is liable to be set aside.

4. He further relied upon the order passed by this Court in **Mahindra Shirish Patil Vs. State of Maharashtra, through its Secretary and Ors. in Civil Application No. 13814 of 2023 in Writ Petition No. 4396 of 2022, dated 09.12.2023** and pointed out paragraph Nos. 3 and 4 which read as under :

“3. Since, the Tahsildar is not entitled to impose the penalty at this stage we exclude the amount of penalty on the vehicle, so also, the penalty on the mineral is imposed 5 times. This Court while issuing notice has permitted release of the vehicle on deposit of R. 1,50,000/-.

4. On further deposit of Rs. 50,000/- by the petitioner within one (01) week, the further recovery of the amount under the impugned orders are stayed.”

5. Per-Contra, the learned AGP Mr. Jadhavar, for Respondents/State submits that the Talathi has seized the vehicle in pursuance to the order passed by the Tahsildar. The said order was also communicated to the petitioner, therefore, he cannot raise ground of maintainability of the order passed by the Tahsildar.

6. I have gone through the order passed by Tahsildar, Nandurbar. It is clear that the Tahsildar does not have power under Section 48 of the Code to impose penalty, therefore, on this ground alone

the order passed by the Tahsildar is liable to be quashed and set aside.

7. I am adopting the view taken by this Court in **Raviraj's Case** (supra) and hold that Tahsildar does not have power under Section 48 of the Code to impose penalty.

8. In view thereof, the Writ Petition is allowed. The orders dated 12.08.2021 and 14.08.2021 passed by the Talsildar, Nandurbar and order dated 24.01.2022 passed by the Assistant Collector, Nandurbar are quashed and set aside.

9. It is made clear that the Sub Divisional Officer, Nandurbar may initiate appropriate proceeding in this respect and pass an appropriate order after giving opportunity of hearing and leading evidence to the petitioner.

10. If the Sub Divisional Officer, Nandurbar initiates the proceeding, the amount deposited with the Tahsildar, Nandurbar be transmitted to the Sub Divisional Officer, Nandurbar.

(SIDDHESHWAR S. THOMBRE, J.)

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