



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 WRIT PETITION NO. 8895 OF 2025

PANDIT BHIMRAO PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. Syed Azizoddin R.
AGP for Respondents 1 to 5 : Mr. D.R. Korade
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CORAM : ARUN R. PEDNEKER, J.
Dated : November 12, 2025

PER COURT :-

1. Heard the learned counsel for the parties.
2. The learned counsel for the petitioners submits that the vehicle of the petitioners bearing No. AP-16/TJ-6756 was intercepted and seized by the revenue authorities for carrying minor mineral i.e. soil. The learned counsel submits that offence under IPC was also registered. The petitioners have moved an application for release the vehicle, however, the criminal court has rejected the application as vehicle is seized by the revenue authorities. The learned counsel for the petitioners submits that the revenue authorities have issued notice, the petitioner has replied the same and the common order is passed against the petitioners and others dated 8.5.2025 under section 48(7) and 48(8) of the Maharashtra Land Revenue Code. As far as vehicle of the petitioners is concerned penalty of Rs.2,29,759/- is directed to be paid for illegally carrying minor mineral i.e. soil without payment of royalty and without permission of the authorities. The learned counsel for the petitioners submits that thereafter, the petitioners filed appeal before the Additional Collector and in the pending

appeal, the petitioners have made application under section 256 of M.L.R. Code for releasing vehicle. However, the said application is also rejected. The learned counsel submits that the authorities ought not to have rejected the application and ought to have released the vehicle of the petitioners on deposit of 25% of the outstanding amount as directed by the order under section 48(7) and 48(8) of M.L.R. Code. The learned counsel therefore prayed to release the vehicle on deposit of 25% of the outstanding amount as directed by the order under section 48(7) and 48(8) of M.L.R. Code. The learned counsel undertakes that he would not indulge the vehicle for transportation of minor mineral without payment of royalty and without permission of the revenue authorities. The learned counsel also undertakes that he would deposit the entire amount as directed by the order under section 48(7) and 48(8) of M.L.R. Code or surrender his vehicle in the event appeal is decided against the petitioners.

3. The learned APP strongly opposed the application and submits that vehicle may not be released as the petitioner would again indulge in similar activity.

4. Having considered the rival submissions and perusing the provisions of section 256 of the M.L.R. Code, I deem it appropriate to release the vehicle of the petitioner as keeping the vehicle idle may not serve the purpose of either party and vehicle would deteriorate in quality. In view of the above, vehicle of the petitioners be released on usual undertakings and subject to deposit of 25% amount as directed by the order under section 48(7) and 48(8) of M.L.R. Code. The petitioners shall not indulge the vehicle for transportation of minor mineral without payment of royalty and without permission of the revenue authorities. The petitioners shall deposit

the entire amount as directed by the order under section 48(7) and 48(8) of M.L.R. Code or surrender his vehicle in the event appeal is decided against the petitioners. Subject to above undertaking and deposit as noted above the vehicle of the petitioner be released forthwith. The writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/