



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 WRIT PETITION NO. 8894 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 petitioner bearing No. MH-21/BH-4070 was intercepted and seized by the revenue authorities for carrying minor mineral i.e. soil. The learned counsel for the petitioners submits that the revenue authorities have issued notice, the petitioner has replied the same and thereafter order is passed against the petitioners dated 18.6.2025 by the learned Sub Divisional Officer and penalty of Rs.4,59,590/- 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 penalty amount as directed by the order of the S.D.O. The learned counsel

therefore prayed to release the vehicle on deposit of 25% of the outstanding amount as directed by the order of S.D.O.. 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 S.D.O. or surrender 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 petitioners 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 S.D.O. 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 of S.D.O. or surrender his vehicle in the event appeal is decided against the petitioners. Subject to above undertaking given by the petitioners before the concerned authorities, the vehicle of the petitioner be released forthwith. The writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/