



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 WRIT PETITION NO. 9134 OF 2025

NILESH SAKHARAM RUPNAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Hanmant V. Patil

AGP for Respondent/State: Mr. K. B. Jadhavar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13.10.2025

PER COURT:

1. Heard.

2. The learned counsel for the petitioner submits that he was allotted house under the Gharkul Scheme and for the purpose of construction he needs sand which is a minor mineral. As such, he applied to the authorities on 14.01.2025 and, thereafter, on 29.01.2025 for permitting him to take sand from the natural water flow. He submits that his application was to remove the sand from the stream. He submits that there would have been no violations of any of the provisions of the law if such a sand is removed and it was requested to the authorities to give permission to him. Permission was asked as the petitioner had undertaken construction of the house and while doing so they have taken the 1 brass sand in their vehicle bearing no. MH21BV0901 (Tractor). The said tractor was seized, notice is issued why penalty of Rs.01,38,078/- should not

be imposed. The cost of 1 brass sand is Rs.4985/- and that the royalty works out to Rs.600/-. The penalty towards the same can be imposed of five times and the final penalty is imposed is of Rs.01,38,078/-. He submits that he is entitled for the sand on account of the Gharkul Scheme which he has to complete within time frame and the authorities constituted has not granted licence for a long period of time. He submits that the petitioner would pay royalty for 1 brass if the licence was granted. He was required to pay royalty of Rs.600/-. He submits that he is not involved in illegal transportation of the minor mineral and sale of the same. On record two application are made to the authorities, however, there is no action on the said application by the authorities. He submits that the vehicle seized is still in the custody of the authorities and the notice is not yet adjudicated.

3. The learned counsel for the petitioner further submits that he would deposit 25% of the notice amount and that his vehicle be released. He would undertake to abide by the final outcome before the appellate authority and would give an undertaking to release of the vehicle.

4. Considering the same, the authorities constituted to decide the pending proceedings expeditiously and to release the vehicle of the petitioner on deposit of 25% of the notice amount and

on usual undertaking which the authorities take while releasing the vehicle.

5. The Writ Petition stands disposed of accordingly.

[ARUN R. PEDNEKER, J.]

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