



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO. 10878 OF 2025

AKSHAY SUNIL PAWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. A. B. Kharosekar

AGP for Respondents/State : Mr. P.D. Patil

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CORAM : ARUN R. PEDNEKER, J.

Dated : September 08, 2025

PER COURT :-

1. Heard the learned counsel for the petitioner and the learned AGP for respondents/State.
2. By this writ petition, the petitioner challenges the show cause notice dated 22.8.2025 issued under section 48(7) of Maharashtra Land Revenue Code for recovery of amount of Rs. 23,400/- for carrying 1.5 brass Khadi without payment of royalty. It is alleged that the petitioner was found carrying 1.5 brass Khadi in the Tata 909 truck bearing No. MH-15/BJ-7427.
3. The learned counsel for the petitioner has relied upon the order passed by this Court in the case of Nilesh Govind Karale Vs. The State of Maharashtra delivered on WP No. 712/2024 dated 2.5.2024 wherein this Court has noted the earlier judgment of this Court and has observed at para No. 5 as under :-

"5. Perusal of the impugned show cause notice indicates that the penalty is sought to have been imposed for transportation of gitti (Khadi) which is a finished product. The Division Bench has held in case of *Pralhad s/o. Vishnu Wayade Vs. State of Maharashtra and others dated 19.3.2010 in Writ Petition No. 4077/2009 (Nagpur)* that Section 48 of Maharashtra Land Revenue Code has no

application to finished product and therefore, provisions of Mines and Minerals (Development and Regulation) Act. Thus, by following the aforesaid judgments, petition deserves to be allowed.”

4. The applicant was transporting Khadi, the same being finished product and is not a minor mineral, no action can be taken under section 48 of the MLR Code and the same would not be amenable to proceedings under section 48(7) of MLR Code.

5. Considering the same, the impugned show cause notice is quashed and set aside. Respondents are directed to release the above vehicle of the petitioner. The writ petition is allowed and disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/