



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 WRIT PETITION NO. 11337 OF 2025

RAMESH KARBHARI KHAMBE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Advocate for the Petitioner : Mr. M.P. Kale h/f. Mr. Sharad S Solanke

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

...

CORAM : ARUN R. PEDNEKER, J.

Dated : December 15, 2025

PER COURT :-

1. Heard.

2. By way of present writ petition, the petitioner challenges the impugned order 23.7.2025 passed by respondent No. 3 – Sub Divisional Officer, Majalgaon, Dist. Beed, imposing penalty of Rs. 1,48,577/- on the petitioner for illegal usage of the vehicle, for illegal transport of the minor mineral and for non payment of royalty under section 48(8)(9) of the Maharashtra Land Revenue Code.

2. The learned counsel for the petitioner submits that the vehicle was intercepted by the police officials and thereafter again vehicle is taken by the revenue authorities. No offence is registered against the petitioner for any offence. The learned counsel relies upon the **order dated 2.9.2025** passed by the Division Bench of this Court in **Writ Petition No. 5779/2025** in the case of **Mod. Haneef Abbasali Vs. The State of Maharashtra**, wherein the Division Bench of this Court has held that seizing of the vehicle by the police without registration of the crime is illegal. In the instant case also the police have not registered the offence. However, the revenue

authorities have passed orders after issuing notice to the petitioner.

3. Considering the order passed by the Division Bench of this Court in the case of **Mod. Haneef** cited supra, I deem it appropriate to dispose of the present writ petition by passing similar order.

4. In view of the above, the writ petition is allowed in the following terms :-

(A) The subject vehicle of the petitioner shall be released by the P.S.O. on satisfaction of the condition that the petitioner files an appeal before the Collector within two weeks from today and the respondent – Collector, who would then intimate the respondent No. 5 – Police Official about filing of such appeal.

(B) The petitioner shall file an undertaking and furnish personal bond on affidavit before the Collector in the proposed appeal for an amount not exceeding of a market value of the aforesaid vehicle, stating that the said vehicle shall not be used in future for any unauthorized extraction, removal, collection, replacement, picking up or disposal of the minor minerals or transportation of the same. Such an undertaking and personal bond shall be furnished within the aforesaid period of time.

(C) The petitioner is further directed, as a condition for release of the vehicle, to deposit 25% of the penalty amount along with the proposed appeal before the Collector and to produce proof of the same before P.S.O. for enabling release of the vehicle.

5. In the abovementioned undertaking on affidavit, the petitioner shall also state that he shall produce the vehicle before the Collector where the proposed appeal is to be filed, if and when directed.
6. Writ petition is disposed off accordingly.

(ARUN R. PEDNEKER, J.)

ssc/