



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

954 WRIT PETITION NO. 12409 OF 2025

SURESH MAULLYA GAVIT

VERSUS

**THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS**

...

Advocate for the Petitioner : Mr. Abhijit S. More
AGP for Respondent/State: Mr. P. D. Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08.10.2025

PER COURT:

1. Heard.
2. Issue notice to the respondents. The learned AGP waives service of notice on behalf of the respondents.
3. The learned counsel for the petitioner submits that in pursuance of the notice issued by the Tahsidlar under Section 48(7) and 48 (8)(2) of the Maharashtra Land Revenue Code, 1966 the orders are passed by the Sub-Divisional Officer, Nandurbar, dated 10.01.2025, directing the petitioner to pay Rs.7,50,000/- towards illegal usage of his JCB bearing no.MH39-N3994 for extraction of minor minerals.

Against the said order, the petitioner preferred an appeal before the Additional Collector along with an application for

releasing the vehicle. In the said interim application, the Additional Collector while entertaining the appeal under Section 247 of the Maharashtra Land Revenue Code, 1966, the Additional Collector has passed an interim order dated 09.09.2025, wherein he has observed that the impugned order before him of the Sub-Divisional Officer, Nandurbar there is no observation as to how much extraction was carried out and how the damages are computed. As such, he directed the Assistant Collector to seek a report from the Tahsildar within seven days as to how much minor minerals was extracted and submit a report, while the appeal is pending before the authority.

4. The learned counsel for the petitioner submits that, prima facie, there is an irregularity in the notice / order of the Tahsildar / Sub-Divisional Officer. As such, the seizure of the vehicle for such a long time does not serve any purpose. He is also paying installments on the vehicle and that it has become difficult to pay the installments, when the vehicle is in possession of the State / State Authorities.

5. Considering the above submissions, prima facie, there is an irregularity in the order passed by the Sub-Divisional Officer, which is noticed by the Additional Collector.

6. Considering the above, it is directed that during the pendency of the proceeding before the Additional Collector, the vehicle / JCB (MH39-N3994) of the petitioner shall be released forthwith on payment of Rs.2,00,000/- and on furnishing such usual undertaking which the authorities take while releasing the vehicle.

7. The Writ Petition stands disposed of accordingly.

[ARUN R. PEDNEKER, J.]

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