



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

995 WRIT PETITION NO. 13044 OF 2025

**RUSHIKESH PRAKASH CHITTAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS THE PRINCIPAL
SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Mr. K. N. Shermale
AGP for Respondent/State: Mr. V. K. Kotecha
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 02.12.2025

PER COURT:

1. Heard.

2. The learned counsel for the petitioner relies upon the Judgment of this court in **Writ Petition No.3831 of 2020 and other connected petitions, dated 29.09.2025**, wherein this court at paragraph no.8 considering all earlier Judgments has held that in the wake of Section 48(8)(2), it is the Collector or the Deputy Collector specifically authorized by the Collector or any other officer not below the rank of a Deputy Collector authorized in this behalf who may impose the penalty for releasing the vehicles used in the illegal transportation of minor minerals. The Tahsildar was held below the rank of Deputy Collector and the Tahsildar had imposed the penalty for release of the vehicle had no authority to

do so. This court has held that the seizure is illegal and set aside the impugned orders.

3. The learned counsel for the petitioner submits that the impugned order dated 10.07.2025 is passed by the Tahsildar, whereby the Tahsildar has imposed the penalty on the vehicle *{JCB of Modal No.J.S.2.D.O/H D A R M / With Rock Bucket by Chassis No.1772898 and Engine No.63190340}* of Rs.7,50,000/-. He further submits that further appeal is filed and the same is also dismissed by order dated 12.09.2025.

4. This court, in the case of **Sunil Bhausaheb Dhage Vs. The State of Maharashtra and others, Writ Petition No.5015 of 2024**, by order dated **08.05.2025**, has observed therein that the JCB was seized on 07.12.2022 and the same is not produced before the SDO or any other Officer as authorized by the Collector under sub-section 8(2) of the Code within a period of 48 hours. Once such mandatory provision is not followed, consequential actions cannot be allowed to be continue.

5. Considering the same, the impugned order dated 10.07.2025 is quashed and set aside and the appellate order dated 12.09.2025 is also quashed and set aside.

6. The vehicle {*JCB of Modal No.J.S.2.D.O/H D A R M /
With Rock Bucket by Chassis No.1772898 and Engine
No.63190340*} shall be released forthwith on production of order of
this court.

7. The Writ Petition stands accordingly disposed of.

[ARUN R. PEDNEKER, J.]

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