



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO. 13862 OF 2025

NILESH NANDKUMAR VYAVAHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for the Petitioner : Mr. Apparao Bhimrao Kharosekar
AGP for Respondents 1 to 5 : Mr. S.K. Shirse

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 01, 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 13.11.2025 issued under section 48(7) of Maharashtra Land Revenue Code by respondent No. 4/Tahsildar for recovery of amount of Rs. 100000/- for carrying 1 brass Khadi without payment of royalty. It is alleged that the petitioner was found carrying 1 brass Khadi in the truck bearing No. MH-17/BY-7744.
3. The learned counsel for the petitioner submits that it is well settled position of law in various judgments of this court wherein it is held that Khadi is not a minor mineral and as such, no action can be initiated by the State/revenue authorities under MLR Code for non payment of royalty or for transportation of the same. The learned counsel has placed reliance on order dated 11th June 2025 of the Division Bench of this Court in the case of Writ Petition No. 10744/2024 in support of his contentions.
4. The learned AGP has strongly opposed the application, however, has

not been able to demonstrate any contra position.

5. In view of the above, it appears that 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.

6. Considering the same, the impugned show cause notice is quashed and set aside. Respondents are directed to release the above vehicle of the petitioner, if seized, forthwith on usual undertaking on production of this order. The writ petition is allowed and disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/