



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO. 13871 OF 2025

PRAVIN VASHISHTA NAVALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. More Abhijit S.

AGP for Respondent/State: Mr. S. G. Joshi

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 20.11.2025

PER COURT:

1. Heard.

2. By the impugned order the petitioner is directed to pay Rs.3,78,408 for having violated conditions of the ETP and for having not transported the minor mineral sand within the time granted in ETP.

3. The learned counsel for the petitioner submits that he was granted pass for transporting sand in his vehicle bearing no. MH-12 QG-4059 in the district of Nandurbar, on 17.10.2025 and the pass was generated at 01:21 p.m. and he was required to leave the Nandurbar district on 17.10.2025 at 03:06 p.m. However, he submits that his vehicle was intercepted on 15:23 hours by the revenue authorities as he has not exited Nandurbar district and he

was still within the territory of the Nandurbar district. Accordingly, in terms of the provisions of Section 48(7) and Section 48(8)(2) of the Maharashtra Land Revenue Code, 1966, above penalty is imposed upon the petitioner.

4. The learned counsel for the petitioner submits that the tyre of the above vehicle got punctured and it was repaired and on 14:57 hours he had made payment to the tyre mechanic / shop and there is Phonepay record to indicate the same.

He further submits that there is no evidence that the vehicle was taken away from the route and the GPS route would also indicate the same. He submits that the driver was not conversant with the rules and, as such, he inadvertently did not notify the break down on the ETP portal. But in view of the delay without notifying the same on the portal, the petitioner is held liable and penalty is imposed by the revenue authorities. He submits that the explanation of the petitioner that the tyre of the vehicle was punctured is bonafide and the vehicle was not moved away from the transport route and the payment made to Laxman, the mechanic, would clearly substantiate the case of the petitioner.

5. He further submits that notwithstanding all the defences placed, the penalty is imposed upon the petitioner without

considering any of his defences. As such, he submits that the order be quashed and the vehicle be released.

6. Per contra, the learned AGP submits that there is an appellate remedy available before the appellate authority and that the petitioner can raise all his grievance before the appellate authority.

In response to the submission of the learned AGP, the learned counsel for the petitioner submits that the petitioner would file an appeal before the appellate authority. However, he submits that the vehicle stands seized with the authority from 17.10.2025 and it would serve no purpose in keeping the vehicle idle and it will deteriorate. He submits that in view of the provisions of Section 256 of the Maharashtra Land Revenue Code during the pendency of the proceeding before the appellate authority the vehicle can be released on deposit of 25% of the amount as directed in the notice / order.

7. Considering the above, no purpose would be served in keeping the vehicle stranded. The vehicle is directed to be released on deposit of 25% of the amount as directed in order dated 07.11.2025, passed by the Sub-Divisional Officer, Nandurbar. On such deposit being made, the vehicle bearing no. MH-12 QG-4095

shall be released forthwith on such usual undertaking which the authorities take while releasing seized vehicles.

8. The Writ Petition is disposed of with liberty to file appellate proceeding and also with the directions as made above.

[ARUN R. PEDNEKER, J.]

marathe