



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

65 WRIT PETITION NO. 14717 OF 2025

KHAN IMRAN KHAN HAKIM
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Petitioner : Mr. Anshuman Deshmukh h/f. Mr. B.S.
Deshmukh

AGP for Respondents 1 & 2 : Mr. S.G. Joshi

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CORAM : ARUN R. PEDNEKER, J.

Dated : December 15, 2025

PER COURT :-

1. Heard the learned counsel for the petitioner and the learned AGP for respondent Nos. 1 and 2.
2. The petitioner challenges impugned order dated 25.11.2025 passed by respondent No. 2 - Additional Tahsildr, Chh. Sambhajinagar, seizing poklane and imposing penalty for using the same for excavation and transportation of minor mineral.
3. It is observed by this Court in the case of **Vivek s/o. Madhukarrao Sakhare Vs. State of Maharashtra in Writ Petition No. 3831/2021 and other connected cases decided on 29.09.2025** that the Tahsildar cannot impose the penalty for release of the vehicle and imposition of the penalty for release of vehicle by the Tahsildar is without jurisdiction. In view of section 48(8)(2) of the Maharashtra Land Revenue Code, it is the Collector or the Deputy Collector specially 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 vehicle used in the illegal transportation of minor minerals. Section 48(2) of the Act provides that

vehicle seized is to be produced before the Collector or the Deputy Collector or any other officer not below the rank of a Deputy Collector within 48 hours. There is no record produced before this Court indicating that the seized vehicle is produced before the Collector. On perusal of the record, it appears that the Tahsildar himself has imposed the penalty.

4. Considering the above, the impugned order passed by the respondent No. 2 – Tahsildar, imposing penalty for releasing the poklane/vehicle is quashed and set aside. The vehicle shall be released forthwith on usual terms and conditions. The writ petition is allowed and disposed off accordingly.

(ARUN R. PEDNEKER, J.)

ssc/