

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1872 OF 2025

Nandkumar Construction,]
Through its Partner,]
R/of Gulmohor Colony, Gendamal, Satara] .. **Petitioner**

Versus

1. Collector,]
Collector Office, Satara]
2. Tahsildar,]
Tahsildar Office, Satara]
3. State of Maharashtra,]
Through the Secretary,]
Ministry of Revenue and Forest Department] .. **Respondents**

Mr. Yuvraj Narvankar, Advocate for the Petitioner.

Mr. S.L. Babar, Assistant Government Pleader for the Respondents.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 21ST FEBRUARY 2025.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The petitioner, a Partnership Firm, operating a stone-crusher is aggrieved by the action of sealing the said stone-crusher purported to be taken pursuant to the notice dated 11th December 2024 issued by the Tahsildar, Satara. By the said notice it was stated that deficiencies

mentioned therein be removed within a period of two days failing which the stone-crusher was liable to be sealed. On receiving this notice, the petitioner submitted its reply on 14th December 2024 stating that the deficiencies indicated were non-existent / the compliance had been duly made. According to the petitioner, without granting any opportunity of hearing the stone-crusher came to be sealed on 28th December 2024. Being aggrieved, the petitioner has challenged the aforesaid action.

3. On 11th February 2025, the learned Assistant Government Pleader was directed to obtain instructions as to whether any order had been passed by the Tahsildar pursuant to the notice dated 11th December 2024. Today, on instructions, the learned Assistant Government Pleader submits that no order has been passed pursuant to the aforesaid notice and reply submitted by the petitioner.

4. It is thus clear that the action of sealing the stone-crusher has been taken in breach of principles of natural justice. The notice dated 11th December 2024 requires the petitioner to submit its reply, which was accordingly done on 14th December 2024. However, on 28th December 2024, the stone-crusher has been sealed without adjudicating the notice dated 11th December 2024. On this ground, the action of sealing the stone-crusher is liable to be set aside.

5. For aforesaid reasons, the following order is passed :-

- (i) The action of sealing of the petitioner's stone-crusher undertaken on 28th December 2024 is quashed. The Circle Officer shall take necessary steps and de-seal the same immediately on receipt of a copy of this order.
- (ii) The Tahsildar, Satara shall consider the petitioner's reply dated 14th December 2024 and decide the notice dated 11th December 2024. This shall be done after complying with the principles of natural justice.
- (iii) It is clarified that the action of de-sealing the stone-crusher will be subject to outcome of adjudication of the notice dated 11th December 2024.

6. Keeping all contentions of parties on merits open, the writ petition is allowed in aforesaid terms. Rule is made absolute. No costs.

7. Parties to act on authenticated copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]