

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12165 OF 2025**

Markolines Pavement Technologies Ltd.

Through Authorized person

Dhairyasheel Atmaram Deshmukh,

Age: 36 Years, Occupation: Business/

Agriculture, Having Registered Office

At : 502, Wing-A, Shree Nandham,

Sector-11, CBD Belapur,

Navi Mumbai – 400 614.

.....Petitioner

Vs.

1. The State of Maharashtra,
Through Principal Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai - 400 032.

2. The Collector, Satara,
Collectorate Building, Satara,
District: Satara.

3. The Tahsildar Khandala,
Office of Tahasildar,
Taluka Khandala, District: Satara.

.....Respondents

Mr. Suryajeet P. Chavan (Through VC), for the Petitioner.

Mr. Sanjay D. Rayrikar, AGP, for the Respondents-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 1st DECEMBER 2025

JUDGMENT :-

1. The present Writ Petition takes exception to show cause notice dated 20th September 2025 and consequential order dated 6th

October 2025 passed by Respondent No.3-Tahsildar invoking provisions of Section 48(7) of Maharashtra Land Revenue Code, 1966 (For short, '**MLR Code**').

2. The Petitioner contends that he is owner of motor vehicles bearing registration Nos.MH-12-VF-6012 and MH-11-DD-1499. On 26th September 2025, while vehicles were carrying *Gitti*/Metal stone, Circle Officer, Vathar (Budruk) intercepted vehicles and made report to Respondent No.3-Tahsildar. Eventually, Respondent No.3 issued show cause notice dated 29th September 2025 to Petitioner alleging that his vehicles were found illegally transporting minor minerals, hence, liable for action under Section 48 of MLR Code. Petitioner replied notice and pointed out that his vehicles were engaged in execution of work at National Highway No.4 near Khambatki tunnel. The vehicles were carrying *Gitti*/Metal stone from Malhar Stone Crusher towards RMC Plant. As such, no action contemplated under Section 48(7) be taken against him. However, Respondent No.3 passed impugned order dated 6th October 2025 and imposed penalty of Rs.60,000/- towards royalty of *Gitti*/Metal stone and Rs.2,00,000/- for use of vehicle.

3. Mr. Suryajeet Chavan, learned Advocate appearing for Petitioner would submit that it is well settled that *Gitti*/Metal stone is not a minor mineral. Respondent No.3 has no authority to initiate proceeding under Section 48(7) of MLR Code in case of transportation of *Gitti*. He would rely upon observations of this Court in Writ Petition No.3957 of 2023 decided on 14th December 2023.

4. Per contra, Mr. Rayrikar, learned AGP relying upon affidavit in reply filed by Mr. Suhas Dinkar Thorat submitted that Circle Officer had reported to Respondent No.3 about unauthorized transportation of *Gitti*/Metal stone by two vehicles. Accordingly, panchanama was drawn, eventually a show cause notice in terms of Section 48(7) of MLR Code was issued to Petitioner. The explanation tendered by Petitioner was not satisfactory, thus impugned order has been passed under Section 48(7) of MLR Code. It is further submitted that Petitioner has alternate remedy to file appeal before Sub Divisional Officer, hence Writ Petition is liable to be rejected.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Circle Officer intercepted Petitioner's vehicles on service road of NH-4. The

panchanama specifically states that vehicles were found carrying four brass *Gitti*/Metal stone. Eventually, show cause notice was served upon Petitioner alleging that vehicles were used for unauthorized transportation of minor minerals. The perusal of Affidavit in Reply also confirms that vehicles were intercepted while they were carrying *Gitti*/Metal stone.

6. The Division Bench of this Court in case of ***Pralhad s/o. Vishnu Wayade & Ors. v. The State of Maharashtra & Ors.***¹ and ***Vishal s/o. Laxman Shinde v. The State of Maharashtra***² and Hon'ble Single Judge in case of ***Sumit s/o. Hargovind Lanje v. State of Maharashtra***³ observed that *Gitti* is not a mineral product, still authorities are passing orders and seizing vehicles transporting it in flagrant violation of Judgment and Order of Division Bench and Single Judge of this Court.

7. In that view of matter, this Court has to exercise jurisdiction under Article 227 of Constitution of India. Similarly, giving reference to observations in case of *Sumit s/o. Harvogind Lanje (supra)*, it is observed that coercive action against transportation of *Gitti* will have to be held illegal and *ultra vires*.

1 Writ Petition No.4077 of 2009 dtd. 19th March 2010.

2 Writ Petition No.8194 of 2022 dtd. 25th August 2022.

3 Writ Petition No.1579 of 2022 dtd. 25th March 2022.

8. In light of aforesaid exposition of law, it is apparent that Petitioner has been illegally subjected to action under provisions of Section 48(7) of MLR Code, although *Gitti*/Metal stone is not a minor mineral. Pertinently, Tahsildar has no authority so far as imposing penalty on vehicles. He should have made report to Sub Divisional Officer for proposed action against vehicles.

9. In that view of matter, case is made out to invoke writ jurisdiction of this Court under Article 227 of Constitution of India, since impugned actions are *ultra vires*.

10. In result, Writ Petition is allowed in terms of prayer clauses (b) and (c).

11. Respondent No.3 shall forthwith release Petitioner's vehicles.

12. The learned AGP to communicate this order to concerned Authority for necessary compliance.

(S. G. CHAPALGAONKAR, J.)

Digitally
signed by
RAJU
DATTATRAYA
GAIKWAD
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