

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

WRIT PETITION NO.18086 OF 2024

Abhay Prataprao Sathe,	]	
R/of Village Darfal (Sina),	]	
Tal. Madha, Dist. Solapur	]	.. Petitioner

Versus

1. District Collector, Solapur	]	
District Solapur	]	
2. Sub-Divisional Officer,	]	
Madha Division, Tal. Madha, Dist. Solapur	]	
3. Tahsildar,	]	
Tal. Madha, Dist. Solapur	]	
4. Gav Kamagar Talathi,	]	
Village Darfal, Tal. Madha, Dist. Solapur	]	
5. Senior Inspector of Police,	]	
Madha Police Station, Tal. Madha, Dist. Solapur	]	
6. The State of Maharashtra,	]	
Through Department of Revenue	]	.. Respondents

Mr. Mahadeo A. Choudhari with Mr. Ranveer R. Choudhari, Advocates for the Petitioner.

Mr. S.B. Kalel, Assistant Government Pleader for the Respondents.

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

DATE : 7TH FEBRUARY 2025.

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

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties. The challenge raised in this writ petition is to the notice dated

7th June 2024 issued by Tahsildar, Madha wherein it has been stated that pursuant to a report dated 7th June 2024 submitted by the Talathi, Darfal, it was noticed that about 550 brass Sand had been unauthorizedly stored on land bearing Gat Nos.433, 435 and 658/6/B. On that premise, penalty under the provisions of Section 48(7)(8) of the Maharashtra Land Revenue Code, 1966 came to be imposed.

2. The principal grievance raised by the petitioner is that on 6th June 2024, Panchanama was carried out wherein it was stated that Sand to the extent of 550 brass was noticed at the aforesaid lands. The Panchanama indicates signature of one witness with a note that other witnesses had refused to sign the same. On that basis, the Talathi submitted a report to the Tahsildar on 6th June 2024. On the next day, the Talathi submitted another report making corrections in the Panchanama dated 6th June 2024 to indicate that the figure “550 brass” be corrected as “150 brass”. Without considering this aspect, the impugned notice came to be issued.

3. Affidavit-in-reply has been filed by the Tahsildar. However, in respect of Ground (D) raised by the petitioner, the said affidavit is totally silent.

4. On perusing the documents on record, it is evident that the same Talathi who had submitted his report on 6th June 2024 indicating stock of

550 brass Sand sought to correct the same on 7th June 2024 by indicating that the actual Sand found was 150 brass. The Tahsildar has failed to take this report into consideration while issuing the impugned notice. On the short ground that the impugned notice has been issued without referring to the report of the Talathi dated 7th June 2024, the same is liable to be set aside.

5. The learned counsel for the petitioner sought to raise other contentions based on factual aspects to urge that no Sand whatsoever was located at the petitioner's land. At this stage, we are not inclined to go into these factual aspects. The interest of justice would be served by directing the Tahsildar to re-consider all the material on records including the report of the Talathi dated 7th June 2024. After giving an opportunity of hearing to the petitioner, further steps in accordance with law can be taken. The notice dated 7th June 2024 issued by the Tahsildar is thus quashed and set aside. It is made clear that after the fresh exercise is carried out, it is open for the aggrieved party to raise a challenge in accordance with law. All contentions on merits are kept open.

6. Writ Petition is allowed in aforesaid terms.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]