

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12420 OF 2025**

Sanjay Ramchandra Salaskar,
Age: 41 Years, Occupation: Nil,
R/o.: Hivale Madhliwadi, Tal.Kudal,
Dist.: Sindhudurg – 416 603.

.....Petitioner

Vs.

1. The State of Maharashtra,
Through Secretary for Revenue
Department, Having its office
address at: 1st Floor, Mantralaya,
Madam Cama Marg,
Hutatma Rajguru Chowk,
Mumbai – 400 032.
2. The Office of District Collector
and District Magistrate,
Sindhudurg, Having its office
address at: District Collector
Office, Sindhudurg, A/o. Oros,
Sindhudurnagari, Tal. Kudal,
Dist.: Sindhudurg – 416 812.
3. The Office of Sub Divisional
Officer and Sub Divisional
Magistrate, Kudal, Having its
office address at: Building of
Tahasildar Office, Malvan,
Tal. Malvan,
Dist. : Sindhudurg – 416 616.
4. The Office of Tahasildar and
Executive Magistrate, Kudal,
Having its office address
at: Tahasildar Office, Malvan,
Tal. Malvan,
Dist.: Sindhudurg – 416 616.

.....Respondents

Mr. Advait Vajaratkar, for the Petitioner.
Mrs. S. N. Deshmukh, AGP, for the Respondents-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 8th DECEMBER 2025

JUDGMENT :-

1. The Petitioner impugns order dated 21st August 2025 passed by learned District Collector in Appeal No.3 of 2025, thereby upholding order dated 24th April 2025 passed by Sub Divisional Officer, Kudal in Appeal No.2 of 2025 thereby confirming order dated 8th January 2025 passed by Tahsildar, Malvan under Section 48(7) of Maharashtra Land Revenue Code, 1966 (For short, '**MLR Code**').
2. It is case of Petitioner that he is owner of dumper truck bearing Registration No. MH-07-C-6210. Petitioner is earning his livelihood by leasing out his vehicles to various contractors engaged in lawful construction and transportation activity. While his vehicle was given on rent to Mr. Satish Shirsat, Contractor, on 20th December 2024, vehicle was intercepted, while transporting processed *Gitti* (Metal Stone) from Shirwande to Anganewadi. Panchanama was drawn which notes that two brass *Gitti* was carried in vehicle without a transport pass.

3. Eventually, Petitioner was served with show cause notice as to why action shall not be taken against him in terms of Section 48(7) of MLR Code as well as Circular dated 14th June 2017 issued by Revenue and Forest Department and Circular dated 4th April 2018 issued by District Collector, Sindhudurg. Petitioner replied to show cause notice contending that carrying of metal stone/*Gitti* is not governed by provisions of MLR Code and relied upon various Judgments by this Court, holding that *Gitti* (Metal Stone) cannot be termed as 'minor mineral'. In spite of aforesaid contentions of Petitioner, Respondent No.4-Tahsildar passed order dated 8th January 2025, thereby imposing penalty of Rs.30,480/- towards royalty of two brass of material carried in vehicle and Rs.1,00,000/- towards use of vehicle for illegal transportation of minor mineral.

4. Petitioner challenged aforesaid order before Sub Divisional Officer in Appeal No.2 of 2025. It was partly allowed and matter was remanded back for fresh consideration for reasons that finished product like *Gitti* would not fall within meaning of 'minor mineral', however, learned District Collector in Petitioner's appeal ultimately, passed order holding that Petitioner is liable to be penalized for want

of Secondary Transport Pass and maintained order of fine imposed for transportation of minor mineral without requisite pass.

5. The learned counsel appearing for Petitioner relying upon observations of this Court in case of *Pralhad s/o. Vishnu Wayade & Ors. v. The State of Maharashtra*,¹ *Ramakant Krishna Patil v. State of Maharashtra, Through Revenue Department & Ors.*² and order of Single Judge of this Court in case of *Vishwas Ratan Murtadak v. The State of Maharashtra, Through its Secretary & Ors.*³ would submit that impugned orders are not only contrary to well settled principles of law, but are contemptuous in nature. He would submit that once Authorities had accepted that *Gitti*/finished product is not 'minor mineral' within meaning of MLR Code, they would have no jurisdiction to invoke provisions of Section 48(7) of MLR Code. He would point out that Petitioner's vehicle has been unnecessarily detained for more than ten months, hence directions are necessary for forthwith release.

6. The learned AGP, however, supports impugned order. She would point out that as per Ordinance dated 4th June 2021 issued by

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

2 2025 SCC OnLine Bom. 2401.

3 Writ Petition No.5885 of 2024 dtd. 2nd July 2024.

Revenue and Forest Department under Mines and Minerals (Development and Regulation) Act, 1957, all stone removed irrespective of size including stone dust either by excavation or mining are chargeable for royalty. If vehicle is engaged in transportation of minor mineral for government work, Secondary Transport Pass is necessary. In present case, such pass was not available with Petitioner, therefore, penalty for illegal transportation has been imposed.

7. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Section 48(7) of MLR Code would apply where transportation of minor mineral is done in contravention of Rules. Section 48(7) of MLR Code provides for penalty for transportation of minor mineral without necessary authorization. In present case, undisputedly, Petitioner's vehicle was intercepted while carrying metal stone/*Gitti*, which is finished product and falls beyond scope of 'minor mineral' regulated by Mines and Minerals (Development and Regulation) Act, 1957. The minute reading of Section 48(8) of MLR Code would show that even in case of use of machinery or equipments for transport of minor mineral, penalty can be imposed by Deputy

Collector or Sub Divisional Officer or Collector, Tahsildar has no power to invoke Sub-section (8) of Section 48 of MLR Code.

8. Although learned AGP seeks to rely upon Affidavit in Reply submitted by Smt. Priya Sameer Parab, in-charge Tahsildar, Malvan and endeavours to contend that under Rule 71 of Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013, authorization is required to be obtained by owner of Stone Crusher for carriage of minor minerals, this Court finds that there is no provision under relevant Rules that prescribes authorization for transportation of finished product like metal stone.

9. In light of aforesaid discussion, this Court holds that orders impugned are unsustainable in law and are quashed and set aside.

10. The Respondents shall forthwith release Petitioner's vehicle.

11. Any amount deposited by Petitioner in pursuance to directions by Respondent Authorities shall be refunded to him within a period of 30 days from date of this order.

12. The Writ Petition is accordingly disposed of.

(S. G. CHAPALGAONKAR, J.)