Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.785 OF 2025

Kailas Bhagwant Navale … Petitioner
V/s.
The State of Maharashtra
Through Secretary Revenue & Forest
Department & Ors. … Respondents

Mr. Sanjay P. Shinde a/w Prathmesh T. Bhanuwanshe, for petitioner.

Ms. Priyanka B. Chavan, AGP for State – respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 6, 2025

P.C.:

1. **Rule.** Rule is made returnable forthwith.

2. The challenge in this petition is to the order dated 30 August 2024 passed by the Tahsildar, Nasik, whereby a fine of ₹86,688/- has been imposed on the petitioner on the ground that the petitioner was transporting "gitti" without a valid license. The impugned order has been passed in exercise of powers purportedly under Section 48(8) of the Maharashtra Land Revenue Code, 1966, read with relevant rules governing mineral transportation.

3. The learned Advocate for the petitioner invited my attention to the Division Bench judgments in Writ Petition No. 4077 of 2009 (*Pralhad S/o Vishnu Wayade & Ors. Vs The State of Maharashtra &*

Ors.) and Writ Petition No. 1273 of 2018 with connected matters (*Dipak Logistics and Forwarders & Anr. Vs The State of Maharashtra & Ors.*). The Division Benches of this Court have consistently held that "gitti" (crushed stone) does not fall within the definition of "Minor Minerals" as per Section 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 and the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013. Consequently, a license for its transportation is not required. In view of this settled legal position, the action taken by respondent No. 4 – Authority under Section 48(8) of the Maharashtra Land Revenue Code, 1966 is without jurisdiction and legally unsustainable.

4. Accordingly, the impugned order dated 30 August 2024 is quashed and set aside. Rule is made absolute in terms of prayer clauses (b) & (c).

5. The amount of ₹86,688/- collected pursuant to the impugned order shall be refunded to the petitioner within a period of four (4) weeks from the date of production of this order before the Authority, failing which the amount shall carry interest at the rate of 6% per annum from the date of deduction until repayment.

6. The writ petition stands disposed of in above terms.No costs.

(AMIT BORKAR, J.)