



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO.1402 OF 2022**

**PETITIONER** :- Manish S/o. Keshavrao Deshmukh,  
Aged about 42 years, Occu: Labour,  
R/o. Manbha, Tq. Karanja, Distt.  
Washim.

**..VERSUS..**

**RESPONDENTS** :- 1) The Sub-Divisional Officer, Karanja,  
Having its office at Karanja, Tq.  
Karanja, Distt. Washim.  
2) The State of Maharashtra, Through  
Tahsildar, Karanja, having its office at  
Karanja, Tq. Karanja, Distt. Washim.

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Mr. T. S. Deshpande, Advocate for Petitioner.  
Mr. S. B. Bissa, Advocate for the Respondent No.1 &2.

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**CORAM** : **ROHIT W. JOSHI, J.**

**DATE** : **03.10.2025**

**JUDGMENT** :

1) Heard.

2) **Rule.** The Rule is made returnable forthwith. Heard  
finally by consent of learned counsel for the respective  
parties.

3) By the impugned order dated 30.03.2021, the Tahsildar has imposed a fine under Section 48(7) of the Maharashtra Land Revenue Code on the ground of illegal transportation of sand.

4) Likewise, penalty is also levied on the mineral which was found to be excavated and transported illegally. The petitioner, who is the owner of the vehicle had filed appeal challenging the said order dated 30.03.2021, which came to be dismissed vide order dated 31.08.2021 passed by the Sub-Divisional Officer.

5) The learned Advocate for the petitioner contends that the Tahsildar has authority to pass an order with respect to the mineral found to be illegally excavated and transported under Section 48(7) of the Maharashtra Land Revenue Code. However, he contends that the jurisdiction to impose a penalty on the vehicle under Section 48(8) is not vested with the Tahsildar. He places reliance on the judgment of this Court ***dated 21.03.2022 in Writ Petition No. 514 of 2022 (Shankar Bhoyar..Vs...State of Maharashtra and ors.)***

6) Perusal of the Section 48(8) will indicate that the authority to impose fine/penalty on the vehicle is vested with the Collector and that the power can be delegated to an officer not

below the rank of Deputy Collector, i.e. Sub-Divisional Officer (SDO).

7) In view of the above, the writ petition is partly allowed.

8) Clause 1(A) in the order dated 30.03.2021 passed by the Tahsildar, Karanja, in Revenue Case No. MNL-37/Karanja /117/2020-2021 is quashed and set aside.

9) Likewise, the order dated 31.08.2021 passed by the Sub-Divisional Officer, Karanja, in appeal bearing Revenue Case No. MNL-37/Karanja/12/2020-2021 is quashed and set aside with respect to amount of Rs. 2,00,000/-.

10) The petitioner is liable to pay amount of Rs.1,42,800/-in terms of the order dated 30.03.2021, after adjustment of the amount which is already mentioned.

(ROHIT W. JOSHI, J.)

*Tanmay..*