



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1345 OF 2021

Dnyaneshwar Shankar Shevatre
Aged about 27 years, Occ: Business,
R/o Brahmapuri, Tal. Jafrabad,
Dist. Jalna.

...PETITIONER

...V E R S U S...

1. State of Maharashtra, through its
Secretary, Revenue and Forest
Department, Mantralaya,
Mumbai-32.
2. The Collector, Buldhana,
Dist. Buldhana.
3. The Tahsildar, Sindkhed Raja,
Dist. Buldhana.
4. Police Station Officer,
Bibi, Dist. Buldhana.

...RESPONDENTS

Shri Ranjeetsingh Gahilot, Advocate for petitioner.
Shri J.Y. Ghurde, Assistant Government Pleader for respondents.

CORAM:- M.W. CHANDWANI, J.
DATE :- 05.12.2025

ORAL JUDGMENT:

. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of the parties.

2. The petition challenges the order dated 11.12.2020
passed by the respondent no.3 – Tahsildar, Sindkhed Raja, District

Buldhana imposing penalty under Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 (for short “the Code”) for the alleged illegal transportation of sand by the petitioner and for releasing his Tipper bearing registration No.MH21BH3241. Though, various grounds have been raised in the petition while challenging the impugned order; however, the only ground pressed by the learned counsel for the petitioner during the argument is that the Tahsildar has no power to impose penalty under Section 48(8)(2) of the Code.

3. I have gone through Section 48(8)(2) of the Code which reads as under:

“48(8) (2) Such machinery or equipment or means of transport, used for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals or transportation thereof, which is seized under sub-section (1), shall be produced before the Collector or such other officer not below the rank of Deputy Collector authorised by the Collector in this behalf, within a period of fortyeight hours of such seizure, who may release such seized machinery, equipment or means of transport on payment by the owner thereof of such penalty as may be prescribed and also on furnishing personal bond of an amount not exceeding the market value of or the seized machinery, equipment or means of transport, stating therein that such seized machinery, equipment or means of transport shall not be used in future for unauthorised extraction, removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same.”

4. Bare perusal of Section 48(8)(2) of the Code reveals that, either the Collector or any other person authorized by the Collector not below the rank of a Deputy Collector may impose penalty for releasing the vehicle used for illegal transportation of sand. Therefore, I find force in the argument of the learned counsel for the petitioner that the penalty of ₹2,63,900/- imposed by the Tahsildar for releasing the vehicle is without jurisdiction and therefore, the impugned order requires to be set aside and the petition deserves to be partly allowed. Hence, I proceed to pass the following order :

- i) The writ petition is partly allowed.
- ii) The impugned order dated 11.12.2020 passed by the respondent no.3 – Tahsildar, Sindkhed Raja, District Buldhana in R.C. No.31/MNL-37-2019-20/ Hiwerkhed Purna imposing penalty of ₹2 lakhs for release of the vehicle of the petitioner is set aside. The rest of the impugned order passed by the Tahsildar will remain unaffected by this order.
- iii) The petitioner has deposited an amount of ₹1 lakh under the dictum of this Court for grant of interim relief. The Tahsildar is directed to return the balance amount to the petitioner after deducting the penalty amount of ₹63,900/- for transporting sand

without a valid transit pass.

Rule is made absolute in the abovesaid terms. No order
as to costs.

JUDGE

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