



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

WRIT PETITION NO.1931 OF 2020

1. Akush Ganeshrao Sapkal
Aged Adult, Occ: Agriculturist,
2. Ganeshrao Ramrao Sapkal
Aged Adult, Occ: Agriculturist
3. Mahendra Premdas Poharkar
Aged Adult, Occ: Driver,
All R/o Telhara, Dist. Akola.

...PETITIONERS

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

1. State of Maharashtra,
Through Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai-32.
2. Sub-Divisional Officer, Akot,
Dist. Akola.
3. Tahsildar, Telhara,
Tq. Telhara, Dist. Akola
4. Revenue Inspector, Telhara
Tq. Telhara, Dist. Akola.

...RESPONDENTS

Shri M.R. Deshpande & Anand Kinkar, Advocate for petitioners.
Ms D.V. Sapkal, AGP for respondents/State.

CORAM:- M.W. CHANDWANI, J.
DATED :- 10.10.2025

ORAL JUDGMENT:

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsels appearing for the parties.
2. The petition challenges the order dated 28.02.2020 passed by the Tahsildar, Telhara under Section 48 (8) of the

Maharashtra Land Revenue Code, 1966 (for short, “**MLR Code**”) imposing the penalty equivalent to five times of the market value of the minor mineral i.e. soil, which was being transported illegally (without a valid transit pass) and also imposing a penalty of ₹1 lakh for releasing the tractor and trolley bearing registration Nos.MH30AB9637 and MH30AN607 respectively.

3. It appears that the tractor and trolley of petitioner no.2 was seized by the revenue officer when it was transporting soil without a valid transit pass and royalty. Thereafter, the Tahsildar imposed a penalty of ₹5,000/- which is five times of the market value of soil apart from ₹200/- towards royalty. The Tahsildar has also imposed a penalty of ₹1 lakh for releasing the vehicle (tractor & trolley). Though, various grounds have been raised in this petition, the main ground raised by the learned counsel for the petitioners is that the Tahsildar has no power to impose the penalty for releasing the vehicle and therefore, the order of the Tahsildar imposing the penalty for releasing the vehicle is without jurisdiction.

4. Having heard the learned counsel for the petitioners as well as the learned Assistant Government Pleader appearing on behalf of the State and having gone through the impugned order and relevant provisions, more particularly Section 48 of the MLR

Code, it is revealed that under Section 48(8)(1) any revenue officer authorized on behalf of the Collector has power to seize the means of transport used for transporting minor minerals without a valid permit. Whereas, Section 48(8)(2) empowers the Collector or the Deputy Collector specially authorized by the Collector or any other officer not below the rank of a Deputy Collector authorized in this behalf to impose the penalty for releasing the vehicles used in the illegal transportation of minor minerals.

5. Evidently, the Tahsildar is below the rank of a Deputy Collector and therefore, he does not have the power to impose penalty for releasing the vehicle. Therefore, the order passed by the Tahsildar imposing the penalty of ₹1 lakh is without jurisdiction. To that extent, the petition succeeds.

6. Needless to mention that, imposition of penalty to the extent of five times which is ₹5,000/- plus ₹200/- royalty which is equal to ₹5,200/- imposed by the Tahsildar will remain unaffected. If any amount has been deposited by the petitioners in excess of ₹5,200/- it shall be refunded to them within two weeks.

Rule made absolute in the above terms.

Wagh

JUDGE