



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

WRIT PETITION NO.2413 OF 2013

(M/s. Adani Power Maharashtra Ltd., thr. its authorized singatory Shri Omprakash
Ramful Bhardwaj Vs. State of Maharashtra thr. Secretary, Revenue & Forest
Department, Mumbai and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Subodh P. Dharmadhikari, Senior Advocate assisted by Mr. Nikhil B. Kirtane, Advocate, Mr. A. D. Chaudhari, Advocate for Petitioner.
Mr. K. R. Lule, AGP with Ms. K. P. Marpakwar, AGP for Respondent Nos.1 to 4/State.

CORAM: ANIL L. PANSARE, J.

DATE: 6th MAY, 2025.

1. Heard. One of the objections raised by the petitioner was that the Tahsildar, who has passed the impugned order was not authorized to take action in terms of Section 48(7) of the Maharashtra Land Revenue Code, 1966. The learned AGP was called upon to show the authorization letter. He sought time and accordingly matter was kept back for hearing in second session.

2. Later on, Learned AGP is present. On instructions of Collector, Gondia, he submits that in the present case, the office could not lay hands to the authorization letter issued to the Tahsildar.

3. Thus, it is evident that the Collector has not authorized Tahsildar to impose penalty in terms of Section 48(7) of the Code. The order impugned is thus

unsustainable. That being so, I need not go into the aspect whether the petitioner will be entitled for exemption in terms of the judgment passed by the Supreme Court in the case of ***Promoters and Builders Association of Pune v. State of Maharashtra and others (2015) 12 SCC 736***. The petition is accordingly allowed. The impugned order dated 28.02.2023 passed by Tahsildar, Tirora in Rev. Case No./MNL-37/186/2012-13 is quashed and set aside. No costs.

(ANIL L. PANSARE, J.)

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