



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

WRIT PETITION NO. 5734 OF 2022

M/s. S.A. Yadav **Vs.** State of Maharashtra

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. K. J. Topale, Advocate a/w. Vivek Salunkhe, Advocate for petitioner.

Mrs. H. S. Dhande, AGP for respondent/State.

CORAM : ROHIT W. JOSHI, J.

DATE : 21.11.2025.

. The present petition takes exception to the order dated 08.04.2021 passed by the Additional Collector, Wardha under Section 48(7) of the Maharashtra Land Revenue Code, 1966. The petitioner has alternate remedy of filing appeal before the Commissioner.

2. The learned Counsel for the petitioner, however, states that the action is based on a measurement report, which was conducted without issuing notice to the petitioner. He also contends that the permission for extraction of mineral (morum) from the property in question was granted vide order dated 31.08.2018 and the period for which excavation was permitted expired on 30.09.2018. He contends that inspection of the land in question was ordered to be conducted and in pursuant to same, the report was presented on 13.11.2019, to which the inspection is carried out. The contention of the learned Advocate for the petitioner is that there is no material to connect the petitioner to the alleged act of unlawful excavation of mineral (Morum).

3. The Additional Collector has admittedly afforded an opportunity of hearing to the petitioner before passing the impugned order. The order is also not without jurisdiction.

4. In view of the above, in the considered opinion of this Court, the petitioner cannot bypass the statutory alternate remedy provided under the Act. Writ petition is, therefore, **disposed of** in view of alternate remedy, however, reserving liberty to the petitioner to avail the alternate remedy of filing of the appeal under the relevant provisions of the Maharashtra Land Revenue Code, 1966.

5. Period from **07.06.2021** i.e. the date of filing of the present petition till **21.11.2025** i.e. the date of disposal of the petition shall be excluded for computing the period of limitation.

6. All contentions are kept open.

(ROHIT W. JOSHI, J.)

Tanmay...