



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

Writ Petition No.3032 of 2019

Sachin Dadarao Rane

vs.

*The State of Maharashtra, through its Secretary, Revenue and Forest Department,
Mantralaya, Mumbai & others*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. V.B. Bhise, Advocate for the Petitioner.
Ms. Deepali Sapkal, A.G.P. for the Respondents.*

CORAM : ANIL L. PANSARE, J.

DATE : 1st APRIL, 2025.

Heard.

02. It appears that powers under Section 48(8) of the Maharashtra Land Revenue Code, 1966 relating for imposing penalty on the vehicle used for transportation of minor mineral has been exercised by the Tahsildar, whereas, the provision empowers the Officer not below the rank of Deputy Collector to exercise such power. Respondent No.3-Tahsildar, Akola could not have imposed penalty on the vehicle allegedly used for transportation of sand. This aspect has not been considered by respondent No.2-Sub-Divisional Officer, Akola. The issue involved is covered by the order passed by this Court in Writ Petition No.1080/2021.

03. In view of above, the orders passed by respondent Nos.2 and 3 are, therefore, unsustainable. The petition is accordingly allowed.

04. The impugned orders passed by the Sub-Divisional Officer, Akola in Appeal No.MNL-37/Akola/11/2017-18 on 17/11/2018 and the Tahsildar, Akola in Rev.Case No.MNL-37/Akola/13/2018-19 on 08/06/2018 are quashed and set aside.

05. The vehicle i.e. Truck bearing registration No.MH-31/AP/4313 shall be released forthwith by respondent No.3- Tahsildar, Akola.

(Anil L. Pansare, J.)

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