



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

WRIT PETITION NO.2042 OF 2021

Shrikrushna Kachruji Paropate,
Aged about 45 years, Occ: Business,
R/o Rani Amravati, Taluka,
Babhulgaon, Dist. Yavatmal.

....PETITIONER

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

1. State of Maharashtra, through its
Secretary, Revenue and Forest
Department, Mantralaya,
Mumbai-32.
2. The Additional Collector, Yavatmal,
Dist. Yavatmal.
3. The Sub Divisional Officer,
Yavatmal, Dist. Yavatmal.
4. The Tahsildar, Yavatmal,
Dist. Yavatmal.

...RESPONDENTS

Shri A.R. Ingole, 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 12.12.2020
passed by respondent no.4 – Tahsildar, Yavatmal imposing penalty

under Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 (for short “the Code”).

3. The truck bearing registration No.MH40N1199 of the petitioner was intercepted on 06.12.2020 at about 8.30 pm by respondent no.4-Tahsildar and it was found that minor mineral i.e. sand was being transported in the said truck. On enquiry it was found that the royalty pass shown by the driver of the said vehicle was fabricated and therefore, the vehicle came to be seized. By the impugned order, respondent no.4 – Tahsildar imposed penalty equal to five times of the minor mineral i.e. sand apart from other charges. Respondent no.4 also imposed a penalty of ₹1 lakh for releasing the vehicle alongwith a forfeiture bond of ₹2 lakhs. Thus, total penalty of ₹3,55,315/- came to be imposed by the impugned order, which is under challenge.

4. The contention of the petitioner is that, the Tahsildar has no power under Section 48(8) (2) of the Code to impose the penalty for releasing the vehicle. It is also contended that the amount of ₹2 lakhs i.e. towards forfeiture of earlier bond has been illegally imposed. The learned Assistant Government Pleader also concedes that the Tahsildar does not have any power to impose penalty for releasing the vehicle. The learned Assistant

Government Pleader submitted that the petitioner might have executed the bond for not repeating the offence and therefore, the penalty of ₹2 lakhs was imposed upon the petitioner. I have gone through the impugned order mentioning the amount of ₹2 lakhs for forfeiture of earlier bond; however, there is no mention in the order whether any bond was to be executed by the petitioner and whether any opportunity of hearing was given to the petitioner before the forfeiture bond was allegedly executed. So far as imposing the penalty on the minor minerals is concerned, I find force in the argument of the learned Assistant Government Pleader that the Tahsildar has the power to impose penalty upto five times of the market value of the minor mineral under Section 48(7) of the Code. Hence, the following order :

5. The writ petition is partly allowed.

6. The impugned order dated 12.12.2020 passed by respondent no.4 – Tahsildar imposing penalty of ₹1 lakh for releasing the vehicle is quashed and set aside for want of jurisdiction with the Tahsildar. Likewise, the order of forfeiture of bond of ₹2 lakhs is also quashed and set aside. The rest of the impugned order passed by the Tahsildar will remain unaffected by this order.

7. The Tahsildar / competent authority is at liberty to initiate proceedings with respect to forfeiture of the bond, if any, in accordance with law.

8. The amount deposited by the petitioner before respondent no.4 – Tahsildar shall be appropriated in the penalty imposed by the Tahsildar for illegal transport of minor minerals. The Tahsildar is directed to return the balance amount to the petitioner after deducting the penalty amount of ₹55,315/- for transporting sand without a valid transit pass.

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

(M.W. CHANDWANI, J.)

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