



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

WRIT PETITION NO. 3161 OF 2020

Pundalik S/o Antaramji Tondre,
Aged about Major years, Occu. Busines,
R/o At Post Kurkheda, Tah. Kurkheda,
Dist. Gadchiroli .

...PETITIONER

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

1. State of Maharashtra,
Through its Secretary,
Department of Revenue and Forest
2. The Additional Collector, Gadchiroli
3. The Sub Divisional Officer,
Kurkheda, District Gadchiroli
4. The Tahsildar, Kurkheda, Dist. Gadchiroli
5. The Range Forest Officer, Delanwadi,
Tah. Armori, District Gadchiroli

...RESPONDENTS

Mr. I. K. Daudasariya, Advocate for petitioner.
Smt. Mrunal S. Naik, A.G.P. for respondent nos.1 to 5

CORAM:- M.W. CHANDWANI, J.
DATED :- OCTOBER 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 26.11.2019 passed by the Tahsildar, Kurkheda under Section 48 (8) of the

Maharashtra Land Revenue Code, 1966 (for short, “**MLR Code**”) imposing the penalty for illegal transportation (without a valid transit pass) of the minor mineral i.e. sand and also imposing a penalty of ₹1 lakh for releasing the tractor and trolley bearing registration Nos.MH33F4084 and MH33G4075 respectively.

3. It appears that the tractor and trolley of the petitioner was seized by the Range Forest Officer, Delanwadi when it was transporting sand without a valid transit pass and royalty. Thereafter, the Tahsildar imposed a penalty of ₹12,500/- for illegal transportation of sand and ₹400/- 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 petitioner 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 petitioner 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 of ₹12,500/- plus ₹400/- royalty which is equal to ₹12,900/- imposed by the Tahsildar will remain unaffected. If any amount has been deposited by the petitioner in excess of ₹12,900/- it shall be refunded to him within two weeks.

Rule made absolute in the above terms.

(M.W.Chandwani, J.)