



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

WRIT PETITION NO.3830 OF 2020

Kaisar Khan s/o Raheman Khan
Aged : 50 years, Occ: Business,
R/o Near Chhoti Masjid, Bicchu
Tekadi, Islampura, Amravati,
Tah. and Dist.Amravati.

...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,
Amravati, District Amravati.
3. The Sub Divisional Officer,
Morshi, Taluka Morshi,
District Amravati.
4. The Tahsildar, Warud,
Tah. Warud, District Amravati.
5. Police Station Officer,
Police Station Warud, Tah. Warud,
District Amravati.

...RESPONDENTS

WITH

WRIT PETITION NO.4128 OF 2020

Abdul Sajid Abdul Khalik Sheikh
Aged : 50 years, Occ: Business,
R/o Ward No.21, Warud, Tah. Warud,
Dist.Amravati.

...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,
Amravati, District Amravati.
3. The Sub Divisional Officer,
Morshi, Taluka Morshi,
District Amravati.
4. The Tahsildar, Warud,
Tah. Warud, District Amravati.
5. Police Station Officer,
Police Station Warud, Tah. Warud,
District Amravati.

...RESPONDENTS

WITH

WRIT PETITION NO.4127 OF 2020

Sheikh Nazim s/o Sheikh Hanif,
Aged : 45 years, Occ: Business,
R/o Nayadayara, Warud,
Tah. Warud, Dist.Amravati.

...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,
Amravati, District Amravati.
3. The Sub Divisional Officer,
Morshi, Taluka Morshi,
District Amravati.
4. The Tahsildar, Warud,
Tah. Warud, District Amravati.
5. Police Station Officer,
Police Station Warud, Tah. Warud,
District Amravati.

...RESPONDENTS

WITH
WRIT PETITION NO.4126 OF 2020

Sayyed Zafar s/o Sayyed Musa,
Aged : 51 years, Occ: Business,
R/o Ward No.13, Nayadayara,
Tah. Warud, Dist.Amravati.

...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,
Amravati, District Amravati.
3. The Sub Divisional Officer,
Morshi, Taluka Morshi,
District Amravati.
4. The Tahsildar, Warud,
Tah. Warud, District Amravati.
5. Police Station Officer,
Police Station Warud, Tah. Warud,
District Amravati.

...RESPONDENTS

Shri A.R. Ingole, Advocate for appellant.

Ms D.V. Sapkal, AGP for respondents in WP 3830/2020.

Shri H.D. Dubey, AGP for respondents in all WPs except WP 3830/2020.

CORAM:- M.W. CHANDWANI, J.
DATED :- 10.10.2025

ORAL JUDGMENT:

1. **Rule.** Rule made returnable forthwith. Heard finally by
consent of learned counsels appearing for the parties.

2. Since, a common question has been raised in all these petitions, they are being disposed of by this common order.

3. In all these petitions, it is contended that the action of seizure of vehicle used in transporting illegal minor minerals by the police is without jurisdiction so far as Section 48 (8) of the Maharashtra Land Revenue Code, 1966 (for short, “**MLR Code**”) is concerned and therefore, further action taken by the revenue authority is without jurisdiction.

4. It is not in dispute that in all these writ petitions, initially the police seized the vehicle alongwith minor minerals which were being transported in the said vehicles and thereafter, the Tahsildar, Warud initiated action under Section 48 of the MLR Code.

5. In all the petitions, the Police Station Officer, Police Station, Warud, seized the vehicles. Consequently, the Tahsildar, Warud initiated the action under Section 48 (8) of the MLR Code and imposed a fine of ₹2,00,000/- each and ₹2,06,650/-, ₹1,16,000/-, ₹1,04,500/- & ₹1,12,250/- and ₹1,14,350/- & ₹1,11,500/- for excavation of minor mineral (sand) plus royalty respectively, for releasing the vehicles.

6. To fortify the submission that the orders impugned are without jurisdiction, the learned counsel for the petitioners has relied on the decisions of the Division Bench of this Court in the case of *Gufran Khan Rahmatullah Khan Vs. State of Maharashtra and others*¹ as well as decisions of the Single Bench of this Court in the cases of *Mohd. Sajid Mohd. Yusuf Vs. Additional Collector, Amravati and others*², *Salman Illiyas Kha Pathan Vs. State of Maharashtra and others*³ and *Shri Gajanan Vilasrao Kalbande Vs. State of Maharashtra and others*⁴. This Court has held that the action of seizure of the vehicle used in illegal transportation of minor minerals by the police is without jurisdiction so far as Section 48 of the MLR Code is concerned. It has further been held that consequently, all further actions by the revenue authorities would be without jurisdiction.

7. That apart, in the wake of Section 48(8)(2), it is 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 who may impose the penalty for releasing the vehicles used in the illegal transportation of minor minerals. In all these writ petitions, it is the Tahsildar who is

1 Writ Petition No.8424/2018

2 Writ Petition No.2936/2025

3 Writ Petition No.2623/2022

4 Writ Petition No.387/2021

below the rank of a Deputy Collector who imposed the penalty for release of the vehicle and therefore, imposing of penalty for release of vehicles by the Tahsildar is without jurisdiction. The orders impugned herein are liable to be quashed and set aside. Hence, the following orders:

8. The writ petitions are allowed.

9. Order impugned in **Writ Petition No.3830/2020** dated 17.12.2020 passed by the Tahsildar, Warud, District Amravati in Revenue Case No.MNL-37/35/2020 of Mouza Karvar Naka, Order impugned in **Writ Petition No.4128/2020** dated 13.11.2020 passed by the Tahsildar, Warud, District Amravati in Revenue Case No.MNL-37/12/2020 of Mouza Karvar Naka, Order impugned in **Writ Petition No.4127/2020** dated 15.12.2020 passed by the Tahsildar, Warud, District Amravati in Revenue Case No.MNL-37/16/2020 of Mouza Karvar Naka and Revenue Case No.MNL-37/17/2020 of Mouza Karvar Naka and Order impugned in **Writ Petition No.4126/2020** dated 15.12.2020 passed by the Tahsildar, Warud, District Amravati in Revenue Case No.MNL-37/20/2020 of Mouza Karvar Naka and Revenue Case No.MNL-37/22/2020 of Mouza Karvar Naka, are quashed and set aside.

10. The amount, if any, deposited by the petitioners before respondent no.3 under the order of this Court be refunded to the petitioners within six weeks from today.

Rule made absolute in the above terms.

Wagh

JUDGE