



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

Writ Petition No.6544/2024

Sunil V Sub-Divisional Officer, Yavatmal and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.R. Ingole, Advocate for petitioner.
Mr. Autkar, AGP for respondent nos.1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 09-09-2025.

Heard Mr. Ingole, learned Counsel for the petitioner as well as learned Assistant Government Pleader for the respondents.

2. The petitioner has challenged orders passed by the Tahsildar and the Sub-Divisional Officer under the provisions of Section 48 of the Maharashtra Land Revenue Code, by which, penalty is imposed against the petitioner on account of illegal transportation of Murum.

3. The primary contention of the learned Counsel for petitioner is that the impugned order dated 05-01-2025, passed by Sub-Divisional Officer, is without notice and prior opportunity of hearing to the petitioner before the penalty of Rs.4,76,000/- is imposed upon the petitioner.

4. Attention of Court is invited to the impugned order to show that there is no reference to issuance of any notice to the petitioner or grant of opportunity of hearing. On this limited aspect,

the learned Counsel for the petitioner submits that the matter needs to be remanded to the Sub-Divisional Officer for fresh decision.

5. On perusal of the impugned order, it appears that while exercising powers under Section 48(8) of the Maharashtra Land Revenue Code for imposition of penalty, the Sub-Divisional Officer has not given any notice or opportunity of hearing to the petitioner. Therefore, in the interest of justice to afford one opportunity to the petitioner, the matter needs to be remanded to the Sub-Divisional Officer.

6. Only on this count, impugned order dated 05-01-2025, is quashed and set aside. All contentions are kept open.

7. The Sub-Divisional Officer, Yavatmal, is directed to issue notice and afford opportunity of hearing to the petitioner before passing final decision. The proceedings be decided within a period of three weeks from today.

8. The petition is disposed of accordingly.

(Prafulla S. Khubalkar, J.)