IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 13175 OF 2026

ATUL BALASAHEB DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA THR THE SECRETARY AND OTHERS

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Advocate for the Petitioner : Mr. Apparao Bhimrao Kharosekar.
AGP for Respondent/s-State : Mr. K. S. Patil.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 15.10.2026

PER COURT :-

1. On the last occasion when the matter was listed, the learned AGP was directed to get clarification from the Revenue Authority that whether 'washed sand' and 'Gitti' is one and the same. In response to the same, he has received communication from Tahsildar, Sangamner, dated 13.10.2026 clarifying that, washed sand and Gitti are one and the same. This communication is taken on record and marked "X" for identification.

2. The petitioner is aggrieved by the show cause notice dated 09.09.2026 issued by respondent No.4, Tahsildar, Sangamner, calling upon the petitioner to give his explanation as to why a penalty of Rs.7200/- should not be imposed on

him as per Section 48 (7) and (8) of the Maharashtra Land Revenue Code, for illegal excavation and transportation of minor minerals.

3. Learned advocate for the petitioner submits that, the petitioner who is the owner of Tata Tipper Transport Vehicle bearing No.MH-17-BZ-7733, was passing through a village Wadzire to village Tale, Taluka Akole after loading the washed sand/crushed stone. The petitioner was having the valid permit for transportation of the aforementioned washed sand and therefore, the Circle Inspector and Gram Revenue Officer, who has intercepted the transport vehicle could not have seized the vehicle. However without paying any heed to the petitioner, the vehicle of the petitioner was intercepted by the Gram Revenue Officer and Circle Inspector of village Dhandarphal, Taluka Sangamner, District Ahilyanagar and they have seized the vehicle on the ground of illegal transportation of the washed sand/crushed stone. It is submitted that, panchnama was conducted on 07.09.2026. Thereafter, the show cause notice has been issued to him by the Tahsildar Sangamner, based on report of the Circle Officer.

4. It is submitted that, the petitioner has personally appeared before Respondent No.4/Tahsildar and he has shown

the ownership documents of the Tata Tipper and submitted that for transporting 'wash sand/crushed stone' no valid pass or royalty or ETP pass is required. Therefore, he requested respondent No.4/Tahsildar to release his vehicle immediately. Irrespective of his explanation given by the petitioner, the show cause notice has been issued to him.

5. According to the petitioner, the law in this regard is settled. In catena of decisions, this Court has taken a view that so far as transportation of wash sand/crushed stone is concerned, it is not necessary to issue any permit for its transportation.

6. The question raised in this Writ Petition is whether the Revenue Authorities are empowered to take action against transportation of Gitti/wash sand under Section 48(7) and (8) of the Maharashtra Land Revenue Code.

7. I have heard the learned counsel appearing for the petitioner as well as learned AGP. The legal position in this regard is not disputed by the learned AGP which can be reflected from various orders annexed to this Writ Petition. In *Writ Petition No.8194 of 2022 in Vishal Laxman Shinde Vs. The State of Maharashtra and others*, this Court has categorically observed that, 'Gitti' is not a mineral product and

still the Authorities are passing the orders and seizing the vehicles in which 'Gitti' is transported in flagrant violation of the judgments and orders of this Court. Thus, this Court has exercised its jurisdiction and allowed the Writ Petition by setting aside the show cause notice. Similar view is taken by this Court in ***Writ Petition No.10744 of 2024 in Ramakant Krishna Patil Vs. State of Maharashtra and others***, wherein the Division Bench has again reiterated, the earlier view taken by this Court in various judicial pronouncements. In fact in the order passed by the Division Bench in the Writ Petitions (referred supra) the directions were issued to the learned AGP to forward the order dated 14.12.2023 passed by this Court in ***Writ Petition No.3957 of 2023, Ashapuri Enterprises through Karmiram B. Choudhary*** to the Secretary, Revenue and Forest Department, who in turn was to ensure that the said order is circulated to all the Revenue Authorities in the State of Maharashtra, so as to ensure that there is no seizure of any vehicle carrying 'Gitti'. It is further held by this Court that, in future if any such incident occurs then the Court may consider imposing costs on the Authorities. The aforementioned observations contained in paragraph No.12 of the order are reproduce herein under :

> *"12. Needless to state, that the learned Addl. G.P. to forward the order dated 14th December 2023 passed by this Court in Ashapuri Enterprises Through Karmiram B. Choudhary (supra), to the Secretary, Revenue and Forest Department, who in turn shall ensure that the said order is circulated to all the Revenue Authorities in the State of Maharashtra, so as to ensure that there is no seizure of any vehicle carrying 'Gitti'. We make it clear, that in the event any seizure is made, we may consider imposing costs on the authorities, Needless to state, that it is open for the authorities to conduct an enquiry, if so permissible in law."*

8. Thus in view of the aforementioned legal position, the show cause notice issued by respondent No.4/Tahsildar is without jurisdiction and deserves to be quashed and set aside.

9. Writ Petition is allowed in terms of prayer clause "B".

10. Since the notice dated 09.09.2026 passed by the Tahsildar is quashed and set aside, the vehicle of the petitioner is released forthwith.

(MANJUSHA A. DESHPANDE, J.)

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vmk/-