IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 13578 OF 2026

KAKASAHEB RAMNATH DUBILE
VERSUS
THE STATE OF MAHARASHTRA THR SECRETARY AND OTHERS

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Advocate for the Petitioner/s : Mr. Apparao Bhimrao Kharosekar.
AGP for Respondent/s-State : Ms. Vaishali S. Chaudhary.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 28.10.2026

PER COURT :-

1. The petitioner is owner of JCB Machine bearing No.MH-20-FG-7415. The vehicle of the petitioner has been seized by the Police Authorities of Waluj Police Station on 09.09.2026. After which, the information about the vehicle which was allegedly loaded with sand was given to the Tahsildar, Gangapur, who has addressed a communication to the Circle Officer, Shendurwada to submit a report after visiting the Police Station and conducting an inquiry. This communication of the Tahsildar, Gangapur is placed on record, dated 21.09.2026. On receiving such report, the Village Revenue Officer has submitted a report on 01.10.2026 along with panchanma dated 01.10.2026. This panchnama of JCB Machine was conducted in the premises of Police Station itself,

in the presence of panchas. In the said panchnama, it is reported that the JCB Machine is in the name of one Kakasaheb Ramnath Dubile and it was given for transportation to one Vishal Kakasaheb Dubile.

2. Learned advocate for the petitioner submits that upon receiving the report, the Tahsildar has informed the SDO, Gangapur that, such JCB Machine has been seized and it was found loaded with sand. Upon inquiry with the driver of the vehicle, he could not produce the receipt of royalty and the transit pass. The report was accompanied with the panchnama as well as report of the Village Revenue Officer with a request to take further action as provided under Section 48(8)(2) of the Maharashtra Land Revenue Code. Based on the said report, the SDO, Gangapur has issued show cause notice to the petitioner on 06.10.2026, which is challenged by the petitioner on the following grounds ;

(i) The vehicle of the petitioner is seized by the police authorities. On the basis of such seizure by the Police Officer, action has been initiated by the Revenue Authorities which is not permissible under the provisions of the Maharashtra Land Revenue Code.

(ii) The said vehicle was seized on 09.09.2026 and the Tahsildar has submitted a report on 01.10.2026 based on which the show cause notice was issued on 06.10.2026.

According to the petitioner, the seized vehicle was required to be produced before the competent Revenue Officer within 48 hours of its seizure, in view of Section 48(8) of the Maharashtra Land Revenue Code.

3. In the instant case, the vehicle of the petitioner is still standing in the premises of the Police Station. On the aforementioned two grounds, the proceedings initiated by the Revenue Authorities are rendered void from its inception. In support of his submission, he relies on the various orders passed by this Court, where this Court has held that, pursuant to the seizure by the Police Authorities, the action initiated by Revenue Authorities is without jurisdiction. Therefore, the vehicles that have been seized in the respective Writ Petitions have been directed to be released by this Court.

4. The petitioner is relying on the following decisions of this Court :

(i) Writ Petition No.8424 of 2018, Gufran Khan Rahmatullah Khan Vs. The State of Maharashtra and others, decided on 13.03.2019.

(ii) Writ Petition No.2413 of 2013, M/s Adani Power Maharashtra Ltd. through its authorized signatory Vs. State of Maharashtra and others, decided on 06.05.2025.

(iii) Writ Petition No.5779 of 2025, Mohammad Haneef Abbasali Vs. The State of Maharashtra and others, decided on 02.09.2025.

5. In all these matters, this Court has categorically held that, the vehicle that has been seized by the Police Authorities is not susceptible to action under Section 48(7) and (8) of the Maharashtra Land Revenue Code.

6. After hearing the parties and going through the documents placed on record i.e. the R.C. Book of the vehicle along with Registration Number reflects the name of the petitioner as a owner of the said vehicle. In the order imposing penalty, the said penalty is imposed in respect of the very vehicle i.e. JCB Machine bearing No.MH-20-FG-7415. Therefore, the objection raised by the learned AGP would not

survive. So far as the two grounds raised by the petitioner about the seizure of the vehicle by the police Authorities and the failure of the Revenue Authorities to produce the vehicle before the competent Authority within 48 hours are concerned, the record discloses that, admittedly the vehicle is seized by the Police Authorities and based on such seizure upon receiving the information from the Police Station, the Revenue Authorities had taken further action. In the decisions (referred supra) this Court has time and again deprecated the practice adopted by the Revenue Authorities to adopt such action of imposing such penalty based on the seizure by the Police Authorities. In view thereof, it is no more *res-integra* that, such action taken by the Revenue Authorities is not maintainable and is void-ab-initio.

7. In the result, Writ Petition is allowed in terms of prayer clause “B1” and accordingly disposed of.

8. In view of the order passed by this Court, the vehicle belonging to the petitioner shall be released forthwith.

(MANJUSHA A. DESHPANDE, J.)

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