IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 14896 OF 2026

Raju Navab Shaha

VERSUS

The State Of Maharashtra Thr Collector Chh Sambhajinagar And Others

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Mr.Bakal Vishal P. for the Petitioner.
Mr.Kishor Hoke Patil, AGP for the Respondent/State.

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 29.10.2026

PER COURT :

1. The Petitioner is the owner of vehicle Tata Truck (Tipper/Hyva) bearing registration no. MH-28-BB-0996.

2. According to the Petitioner, while the truck owned by him was transporting sand based on a valid permit, DIGI TP No. 40373495 issued by the Respondent No.2 with a specified time, i.e., valid from 15.10.2026 from 7:00 a.m. to 16.10.2026 to 7:45 a.m., it was intercepted by the Respondent No.4, Village Revenue Officer, Amthana, Circle Officer, Sillod and Village Revenue Officer, Sillod illegally detained the vehicle along with five brass of sand despite showing the valid permit.

3. According to the Petitioner, the sand was being transported to Nagpur via Ajanta-Shivna-Buldhana-Mehkar-Akola route. The valid permit was shown to the Revenue Officers, but without taking into consideration the valid permit, they have seized the vehicle and till date

the Petitioner has not received any show-cause notice from the Respondent/Authorities. It is submitted that a Panchanama dated 15.10.2026 was conducted, wherein no time is mentioned. A report was sent by the Village Revenue Officer, Sillod to Tahsildar, Sillod along with the Panchanama. On receiving the said report, it was contemplated that the vehicle will be produced within 48 hours as contemplated under Section 48(8)(2) of the Maharashtra Land Revenue Code, 1966 *(the 'MLR Code')*. However, by giving a go-by to the mandatory provision for release of vehicle by producing it within 48 hours before the Competent Authority, the vehicle of the Petitioner is still under detention. Now, according to the Petitioner, after seizure of his vehicle on 15.10.2026, he has immediately approached this Court on 19.10.2026, and till filing of the writ petition, no notice was issued to him.

4. The Petitioner is relying on the decision of this Court in Writ Petition No.4231 of 2026 ***(Akshay Balasaheb Borse V/s. The State of Maharashtra & Ors.)*** dated 6th May 2026, where this Court has deprecated the conduct of the Revenue Officers and has held that the Revenue Officers were expected to follow the procedure prescribed under Section 48(8) of the MLR Code, and by ignoring the same, the vehicle that was seized was kept in the Police Station and it was never produced before the Sub-Divisional Officer for further action. In view thereof, the vehicle was directed to be released forthwith.

5. According to the learned Advocate for the Petitioner, his case is squarely covered by the decision of this Court in *Akshay Balasaheb Borse* (supra).

6. The learned AGP opposes the prayer made by the Petitioner and contends that a special squad comprising of the Circle Officer and the Village Development Officer were on duty when they intercepted the vehicle of the Petitioner on 15.10.2026. The vehicle was loaded with four to five brass of sand. When the driver of the vehicle was enquired about the permit for transportation, he had shown a permit which was valid from 15.10.2026 to 16.10.2026. A panchanama was drawn by the Circle Officer in presence of witnesses. According to the learned AGP, as per the DG transport permit, the pass was issued for transportation of the minor mineral from Dongargaon Kawad, Taluka Phulambri to National Education Society, Jalgaon, Maharashtra and Savner (MCL), Nagpur. When the vehicle was intercepted near Indumati Hospital behind Devaj Hotel, Sillod, it was trying to unload the said sand at a location not covered by the destination particulars mentioned in the transit pass. Therefore, the vehicle was intercepted and has been seized. A Panchanama has been conducted and a report was submitted to the Tahsildar on 15.10.2026 itself. The Tahsildar has forwarded the report to the Sub-Divisional Officer for further necessary action on 16.10.2026. It is submitted that even an FIR is lodged at Sillod Police Station on 17.10.2026 for offences punishable under Section 303(2) and 49 of the

Bhartiya Nyaya Sanhita, 2023. It is submitted that the Petitioner was engaged in illegal transportation of sand by showing different transit pass and thereby misleading the Authorities. Thus, he has been issued with a show-cause notice on 21.10.2026, as to why penalty of Rs.3,62,000/- should not be imposed upon him.

7. I have heard the respective parties. The documents produced on record by both the parties discloses that, the vehicle of the Petitioner was intercepted at Sillod on Jalgaon Road behind one Devaj Hotel. The Petitioner has placed on record a valid permit, i.e., DIGI TP No.40373495, which was valid for five brass of sand to be transported from Dongargaon Kawad, Taluka Phulambri to National Education Society, Jalgaon, Maharashtra and Savner (MCL), Nagpur. The said permit was valid from 15.10.2026, 7:00 a.m. to 16.10.2026, 7:45 a.m. Thus, the Petitioner was very much holding a valid permit. Although in the reply affidavit, it is stated by the Respondents that the vehicle was seized while it was trying to unload the sand, the same is not reflected from the Panchanama. So far as the valid permit is concerned, it is admitted by the Respondents that he was holding a valid permit, the only ground raised by the Respondents is that it was not plying on the route which was mentioned in the valid permit and it was trying to unload the sand at a place other than the destination mentioned in the valid permit. So far as this ground about unloading of the sand at a place which was not mentioned in the permit is concerned, the Panchanama does not

disclose that it was trying to unload the said sand. The date on the Panchanama discloses that it was seized on 15.10.2026, though the time does not appear in the said Panchanama. It was expected of the Tahsildar to produce the said vehicle before the Sub-Divisional Officer so as to enable him to pass appropriate order of release of vehicle upon payment of necessary penalty, which does not appear to have been done. The show-cause notice which is allegedly issued by the Sub-Divisional Officer, which is yet not received by the Petitioner, discloses that the Tahsildar had submitted a report on 21.10.2026, whereas in the contents of the notice, it refers to Panchanama and a report dated 19.10.2026. Therefore, even the dates of the report by the Tahsildar do not match. However, fact remains that the Sub-Divisional Officer has not issued the show-cause notice to the Petitioner as contemplated under Section 48(8)(2) of the MLR Code, which reads thus:

> *"48.(8)(2) Government title to mines and minerals.*
>
> *Such machinery, or equipment or means of transport, used for unauthorized extraction, removal, collection, replacement, picking up or disposal of minor minerals or transportation thereof, which is seized under sub-section (1), shall be produced before the Collector or such other officer not below the rank of Deputy Collector authorized by the Collector in this behalf, within a period of forty-eight hours of such seizure, who may release such seized machinery, equipment or means of transport on payment by the owner thereof of such penalty as may be prescribed and also on furnishing personal bond of an amount not exceeding the market value of the seized machinery, equipment or means of transport shall not be used in future for unauthorized extraction,*

removal, collection, replacement, picking up or disposal of minor minerals and transportation of the same]"

8. Since the vehicle belonging to the Petitioner has been detained for more than 48 hours as contemplated in Section 48(8)(2) of the MLR Code, and this Court in catena of judicial pronouncements has held that such detention of vehicle is illegal and contrary to Section 48(8)(2) of the MLR Code. Even the seizure of the vehicle of the Petitioner amounts to illegal detention by the Authorities, particularly in view of the order passed by this Court in *Akshay Balasaheb Borse* (supra), where in this Court has issued a show-cause notice to the Respondent/Authority and directed an enquiry against the said authorities for fixing responsibility for illegal detention of the vehicle.

9. Since the Petitioner has not yet received the show-cause notice and the detention itself is illegal in view of the observations made in case of *Akshay Balasaheb Borse* (supra), the vehicle of the Petitioner, i.e., TATA Truck (Tipper/Hyva) bearing registration no-MH-28-BB-0996, deserves to be released forthwith.

10. In view of the above, the Writ petition is allowed in terms of Prayer Clause [C].

[MANJUSHA DESHPANDE, J.]