



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

950 WRIT PETITION NO. 389 OF 2026

Shalik Dashrath Dhangar

VERSUS

The State Of Maharashtra And Others

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Advocate for Petitioner : Mr. M.M. Parghane

AGP for Respondents : Mr. K.N. Lokhande

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 14, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 13.10.2025 passed by the Sub Divisional Officer, Bhusawal in proceeding no.Gaun Kha/Dand/SR/49/2025 and seeks release of his vehicle-JCB bearing registration no.MH-19/BG-7389 in favour of petitioner-owner.

2. It appears that petitioner is owner of JCB Machine that has been seized under panchnama dated 30.6.2025 drawn by Circle Officer, Bhusawal. On 2.7.2025 petitioner was served with show cause notice by Tahsildar as to why action shall not be taken against him under section 48(7)(8) of Maharashtra Land Revenue Code, 1966. The vehicle in question was forwarded to the S.D.O., who passed impugned order dated

13.10.2025 imposing penalty of Rs.7,50,000/- against petitioner for illegal excavation or transportation of the minor mineral/sand.

3. Mr. Parghane, learned advocate appearing for petitioner submits that the petitioner is willing to exhaust alternate remedy of filing appeal against the impugned order and he volunteers to deposit 50% of amount of penalty imposed upon him to show his bonafides. However, further urges that, in case, petitioner deposits 50% amount of penalty, the vehicle may be released pending hearing and final disposal of the appeal.

4. In support of his contentions, he relies upon various orders passed by this Court, particularly, order dated 1.8.2023 passed in group of Writ Petitions No.9114 of 2023 with connected as well as WP No.8384 of 2023 decided on 7.8.2024 and order passed by Division Bench of this Court in WP No.3073 of 2019 (Nagpur Bench).

5. Looking to submissions advanced and the observation of this Court in previous orders referred above, there is no impediment in accepting petitioner's contention. In the result, following order is passed.

O r d e r

- i. Writ Petition is partly **allowed**.
- ii. The Vehicle JCB bearing registration no.MH-19/BG-7389 be released subject to condition that petitioner deposits an amount of Rs.3,75,000/- (Rs.Three Lakh Seventy Five Thousand) i.e.50% of the penalty amount as imposed by the Sub Divisional Officer, Bhusawal under impugned order within a period of four (4) weeks from today.
- iii. Deposit of penalty and release of vehicle shall be subject to final outcome of appeal to be filed by the petitioner within (3) three weeks from today before the District Collector/Appellate Authority.
- iv. If such an appeal is filed, that shall be decided in accordance with law. However, in case of failure in filing appeal within three (3) weeks, protection granted under this order shall stand vacated.
- v. Writ Petition stands **disposed off**.

(S. G. CHAPALGAONKAR, J.)

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AAA/-