

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15651 OF 2025

Latif Bashirkha Bhurayye

VERSUS

The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. Mayure Pramod C.

AGP for Respondent/State : Mr. S.A. Gaikwad

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JANUARY 12, 2026

PER COURT :-

1. Heard.
2. Present writ petition takes exception to order dated 27.11.2025 passed by respondent no.4/Additional Tahsildar, Chhatrapati Sambhajinagar and also raises challenge to the validity and propriety of notice dated 17.11.2025.
3. The petitioner is the owner of tractor bearing Registration No.MH-20-GK-8169. The petitioner's vehicle was seized by the revenue officer with allegations that vehicle was carrying one brass of sand without holding royalty pass. Eventually, petitioner was served with a show cause notice dated 17.11.2025 in terms of Section 48 (7) of the Maharashtra Land Revenue Code for imposition of penalty of Rs.1,30,660/-. The petitioner replied the notice and denied the allegations that he was unauthorizedly transporting the sand. The

Additional Tahsildar passed impugned order dated 27.11.2025, imposing penalty against the petitioner. Hence, this writ petition.

4. Mr. Mayure, learned advocate appearing for petitioner would submit that in view of Section 48 (8)(2) of Maharashtra Land Revenue Code, 1966, the Collector or the Deputy Collector specially authorized by the Collector or any other officer not below the rank of a Deputy Collector is authorized to impose the penalty for releasing the vehicle used in the illegal transportation of minor minerals. It is the mandate of Section 48 (2) that the vehicle shall be produced before the Collector or the Deputy Collector or any other officer not below the rank of a Deputy Collector within 48 hours of its seizure. However, there is no provision under the Maharashtra Land Revenue Code that enables the Additional Tahsildar to impose penalty for transportation of minor minerals.

5. The Hon'ble Division Bench of this Court in the case of Vivek S/o Madhukarrao Sakhare Vs. State of Maharashtra and Others in Writ Petition No.3831 of 2020 decided on 29.09.2025 has dealt with the aforesaid issue and observed in para 8 as under :

“8. That apart, in the wake of Section 48 (8)(2), it is the Collector or the Deputy Collector specially authorized by the Collector or any other officer not below the rank of a Deputy Collector authorized in this behalf who may impose the penalty for releasing the vehicles used in the illegal transportation of minor minerals. In all these writ petitions, it is the Tahsildar who is below the rank of a Deputy Collector who imposed the

penalty for release of the vehicle and therefore, imposing of penalty for release of vehicles by the Tahsildar is without jurisdiction. The orders impugned herein are liable to be quashed and set aside.”

6. The aforesaid observations clearly applies to the facts of present case, as penalty has been imposed by the Tahsildar in respect of unauthorized use of vehicle. In that view of the matter, writ petition deserve to be allowed to the extent of penalty imposed for unauthorized use of tractor by the Additional Tahsildar under impugned order dated 27.11.2025. However, this Court is not inclined to entertain writ petition to the extent of penalty imposed towards royalty of minor minerals of Rs.30,000/-.

7. In that view of the matter, writ petition is partly allowed. The impugned order dated 27.11.2025 passed by respondent no.4/Additional Tahsildar, Chhatrapati Sambhajinagar is quashed and set aside to the extent of imposition of penalty of Rs.1,00,000/- for use of tractor for unauthorized transportation of minor minerals.

8. The petitioner shall be at liberty to take up appropriate remedy to the extent of penalty of Rs.30,000/- towards royalty amount.

(S.G. CHAPALGAONKAR, J.)