



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 WRIT PETITION NO.3732 OF 2026

Hanumant Shridhar Bidagar

VERSUS

The State Of Maharashtra Through Secretary And Others

...

AND

WRIT PETITION NO. 3663 OF 2026

Pandhari Laxman Solav

VERSUS

The State Of Maharashtra Through Secretary And Others

...

AND

WRIT PETITION NO. 3662 OF 2026

Prakash Babu Phad

VERSUS

The State Of Maharashtra Through Secretary And Others

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Advocate for Petitioner : Mr. A.B. Kharosekar

AGP for Respondents: Mr. S.R. Yadav Lonikar

(in all writ petitions)

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 29, 2026

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COMMON ORDER :-

1. Present writ petitions takes exception to the show cause notices issued by the Sub Divisional Officer, Ambajogai / Parli (Vaijnath), District Beed under section 48 of the Maharashtra

Land Revenue Code (for short 'MLR Code'), whereby petitioners have been called upon as to why penalty shall not be imposed upon them for illegal transportation of sand in their vehicles.

2. Respondents have filed affidavit-in-reply justifying issuance of show cause notices.

3. Mr. Kharosekar, learned advocate appearing for petitioner/s submits that action of seizure of vehicles is taken by Police Inspector, Ambajogai (Rural) and Parli (Vaijnath). On 23.3.2026 and 16.03.2026 Police Officer informed Revenue Authorities about seizure of vehicles detained in the Police Station. On 24.03.2026 and 18.03.2026 panchnama was drawn in the premises of police station. Thereafter, Tahsildar came into action and made report to the Sub Divisional Officer, Ambajogai and Parli (Vaijnath), respectively. In turn, impugned show cause notices have been served upon petitioners. According to Mr. Kharosekar, action of seizure of vehicles by Police on accusation of unauthorized transportation of sand was without jurisdiction. Therefore, all further actions by Revenue Officers deference to police action are also without jurisdiction.

4. In support of his contentions, he relies upon observations of Division Bench of this Court in case of **Gafur Khan Rahmatullah Khan Vs. State of Maharashtra** (WP No.8424 of 2018), **Mohd. Haneef Abbasali Vs. State of Maharashtra** (WP No.5779 of 2025) and **Alim Khan s/o Male Khan Vs. State of Maharashtra** (WP No.1325 of 2021).

5. Per contra, Mr. S.R. Yadav-Lonikar, learned AGP invites attention of this Court to the contents of affidavit-in-reply and submits that police party while patrolling came across the vehicles, which were engaged in illegal transportation of sand. Concerned Police Officer seized vehicles and informed the Circle Officer, who carried panchnama. It was noticed that sand was transported in the vehicles beyond permitted limit. On Tahsildar's report about aforesaid illegality, Sub-Divisional Officer issued show cause notices in terms of section 48 (7) and (8) of the MLR Code. Assessment of the penalty is made in terms of Government Circular dated 14.6.2017.

6. Having considered submissions advanced and on perusal of the material tendered into service before this Court, this Court finds that petitioner's vehicles were intercepted by Police Officers who were on patrolling duty. They found sand being

carried in the vehicles. Driver of vehicles produced receipt, on which ETP number was endorsed. However, on the pretext that vehicles were carrying excess sand, vehicles were taken to Police Station and Revenue Officers were given communication for further action. Panchnama depicts that it was carried in the police station. There appears gap of 2 to 3 days between seizure of vehicles and panchnama. Apparently, contents of affidavit-in-reply demonstrates that seizure of vehicles was made by the police. Vehicles were detained in the police station. After three days panchnama was drawn by Revenue Officers, which lead to issuance of show cause notices to petitioner/s.

7. The scheme of section 47 and 48 (7) and (8) of the MLR Code prescribes that, in case, any person found unlawfully extracting, removing minor/minerals, the Collector or any Revenue Officer not below the rank of Tahsildar may impose penalty. Sub-section (8) of Section 48 prescribes that the Collector or any Revenue Officer authorized by Collector may seize and confiscate any mineral extracted from any mine or other place alongwith Machinery or equipment. Apparently, no power vests with Police Officer to initiate any action for breach

or violation of the provisions under MLR Code regulating extraction or transportation of minor-minerals. This Court has consistently taken a view that, if action of seizure by police officer itself is without jurisdiction, all further actions in pursuance to seizure of vehicles or equipment by police officer would be without jurisdiction.

8. In result, Writ Petitions are **allowed**. Impugned show cause notices are **quashed and set aside**. The respondents shall **forthwith** release the vehicles of the petitioner/s. Writ Petitions stand **disposed of**.

(S. G. CHAPALGAONKAR)
Judge.

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