

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5141 OF 2026

Ratan Sidram Mali

VERSUS

The State Of Maharashtra Thr Its Collector And Ors

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Advocate for the Petitioner : Mr. Apparao Bhimrao Kharosekar

AGP for Respondent/State : Mr. S.K. Shirse

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 06, 2026

PER COURT :-

1. Present writ petition is filed with following prayers :

"B] By issuing writ of mandamus/ writ of certiorari or any other appropriate writ order or direction the order dated 10.03.2026, २०२६/वसुली/गौख/कार्या-२/सिआर, passed by the respondent No.3 Sub Divisional Officer, Omerga may kindly be quashed and set aside.

C] By issuing writ of mandamus/ writ of certiorari or any other appropriate writ order or direction the respondent No.2 Additional Collector, Dharashiv may kindly be directed to decide the interim application filed by the petitioner in appeal within two weeks.

D] By accepting 25% amount as per Government Resolution dated 01.05.2017 and section 256 (2) of MLR Code, 1966 the respondent No.2, 3 and 4 may kindly be directed to release the JCB-JS-140 Exvacator, Engine No. 84145414 and Chassis No.2126626 of the petitioner forthwith."

2. Mr. Kharosekar, learned advocate appearing for petitioner submits that petitioner's JCB machine has been seized by Circle Officer and Gram Revenue Officer, Village Kunhali alleged to have been used for illegal excavation of earth material from Gat No.169. On 27.02.2026, panchnama was drawn, however, report in this regard was made to Tahsildar on 05.03.2026. The Sub Divisional

Officer on the basis of report submitted by Tahsildar issued show cause notice dated 06.03.2026 to petitioner as to why penalty of Rs.7,50,000/- would not be imposed. The petitioner submitted his reply rebutting allegations and charges levelled in show cause notice. However, Sub Divisional Officer passed order dated 10.03.2026 imposing penalty against petitioner. The petitioner has assailed order of Sub Divisional Officer in appeal before Additional Collector. He has also filed an application for stay to impugned order and requested to release his vehicle. But till this date, no orders are passed on his appeal or application for stay.

3. In light of submissions advanced, writ petition can be disposed of by innocuous order. The respondent no.2 shall decide pending appeal of petitioner within a period of four weeks from today.

4. Meanwhile, if petitioner deposits 25% amount of penalty assessed in impugned order passed by Sub Divisional Officer, his vehicle be released subject to further orders to be passed in appeal and on appropriate condition/undertaking of petitioner that, in case adverse order is passed, he shall redeposit his vehicle with revenue authorities or deposit amount of penalty.

5. Writ Petition stands disposed of.

(S.G. CHAPALGAONKAR, J.)