IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4956 OF 2026

Mahesh Shankarrao Patne ……Petitioner
Vs.
The State Of Maharashtra & Ors. ……Respondents

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Mr. Anant Vadgaonkar i/b Mr. Ashish Chavan, Advocate for Petitioner.
Mr. J. P. Patil, AGP for Respondent-State.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 5TH OCTOBER, 2026.

ORDER :

. Heard Mr. Anant Vadgaonkar, learned counsel appearing fo the Petitioner.

2. The Petitioner is challenging the concurrent findings of fact recorded by the Sub-Divisional Officer, Collector, Commissioner and the Minister, rejecting the claim on the ground of limitation at various stages.

3. Mr. Anant Vadgaonkar, learned counsel for the Petitioner, submits that the impugned order passed by the Tahsildar on

10.03.2015 is perverse and arbitrary, as no opportunity was given to him. The notice dated 07.01.2015 was predetermined and, without extending any opportunity of hearing, the Petitioner was called upon to pay a huge amount of Rs. 82,54,400/-.

4. It is further submitted that the first appellate authority, i.e., the Sub-Divisional Officer, also did not appreciate the grievance and rejected the appeal on the ground of delay, which perpetuated the illegality. A death occurred in the family, and the reasons assigned in paragraph No. 7 of the application have not been properly dealt with. The authorities below committed an error of jurisdiction in rejecting the applications for condonation of delay.

5. It is submitted that the petitioner is ready to pay cost and the delay be condoned and opportunity be extended.

6. Learned AGP appearing for the Respondent would point out that the show-cause notice dated 07.01.2015 elaborately refers to the opportunity extended to the Petitioner. The Petitioner failed to file his reply, and the authority was constrained to impose the penalty, which is in accordance with law.

7. It is further submitted that the delay is inordinate and no

cogent reasons are assigned. It is further submitted that the illegal excavation is to the tune of 10,318 brass, which cannot be interfered with lightly.

8. I have considered the rival submissions of the parties. The notice issued on 07.01.2015 by the Tahsildar would indicate that the Petitioner was called upon to file his reply. The reply was not filed, and, therefore, another notice was issued calling upon him to tender his explanation and remain present for the hearing on 14.01.2015. It is not the case of the Petitioner that he had filed a reply or remained present for the hearing and disclosed the reasons. It is also not the case of the Petitioner that the show-cause notices issued by the authorities were not served upon him. The excavation alleged against the Petitioner is to the extent of 10,318 brass of black stone. When an opportunity was given, it was not availed of. The authorities cannot, therefore, be blamed for violation of the principles of natural justice.

9. My attention is adverted to the wordings used in the notice dated 07.01.2015, which, according to the learned counsel for the Petitioner, would indicate the authority was predetermined or prejudiced. The notice would, in unequivocal terms, refers that the

Petitioner was called upon to submit say. Only the wordings that he was called upon to respond in the matter pertaining to the penalty would not infer making of the mind before any adjudication. I find no substance in the submission of learned counsel for the Petitioner.

10. The Tahsildar decided the matter on 10.03.2015, imposing the penalty, and an appeal against the same was preferred on 13.01.2016, belatedly. A separate application was filed for condonation of delay. The Assistant Collector, vide order dated 07.04.2016, rejected the application for condonation of delay. Thereafter, the Petitioner took 7 years and 4 months to prefer a further appeal before the Additional Collector. The delay is inordinate, and the reasons assigned in the applications have been dealt with by the Collector and, by a reasoned order, the application was rejected on 11.11.2024. It cannot be countenanced that, due to old age and constant medication, the Petitioner could not approach the appellate forum in time.

11. Similarly, the reason of lockdown due to the unprecedented pandemic of COVID-19 cannot be accepted. In the order, the Additional Collector has taken a reasonable and probable view, which cannot be interfered with.

12. The order passed by the Additional Collector is confirmed by the Commissioner, as well as the learned Minister. There are concurrent findings of fact.

13. I do not find that there is any perversity or patent illegality. No interference is called for. The matter pertains to excavation of stone, and the Petitioner is found to have excavated 10,318 quantity of brass, which is very serious. The Petitioner is casual in prosecuting the matter.

14. Under these circumstances, no leniency can be shown. Hence, the Writ Petition is **dismissed.**

[SHAILESH P. BRAHME J.]

Suresh