



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4242 OF 2026

Mahavir Impex

Through Its Partners

1/A) Shri Omprakash Bhanwarlal Chhajer

1/B) Shri Mohnish Omprakash Chhajer

1/C) Mrs. Sumitra Omprakash Chhajer ... Petitioner

Versus

The State of Maharashtra and ors. Respondents

Adv. Chaitanya Pendse i/b. Adv. Manish R. Bohra, for the petitioner.

Mr. O. A. Chandurkar, Addl.G.P. a/w Adv. Tanu N. Bhatia, AGP, for the respondents-State.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 9th APRIL, 2026

P.C. :

1. Heard learned counsel for the parties.
2. The writ petition is opposed by the learned AGP.
3. Against the impugned order dated 30/12/2022 passed by the respondent No.2- Tahsildar, Thane, the remedy is to prefer an appeal under the provisions of Section 247 of the Maharashtra Land Revenue Code, 1966. Learned counsel for the petitioner

however submits that for the various reasons mentioned in the memo of the writ petition that the respondent No.2 was not justified in levying the royalty and penalty of Rs.92,36,032/- on the purported ground of carrying out excavation on their own plot. It is the contention of learned counsel for the petitioner that the mud which was excavated was used for the purpose of the plot itself and therefore there cannot be any levy of royalty and penalty on the ground as mentioned in the impugned order. There are subsequent orders passed by the Tahsildar attaching the properties of the petitioner. The respondents have also sealed the gymnasium of Mahavir Anmol Co-operative Housing Society which is under challenge. Learned counsel for the petitioner submits on instructions that he would prefer an appeal before the Appellate Authority against the order passed by the Tahsildar within a period of four weeks from today. If the same is filed within a period of four weeks from today, the appeal as well as the condonation of delay application if preferred, to be considered on its own merits and in accordance with law expeditiously.

4. Learned counsel for the petitioner on instructions submitted that within a period of four weeks from today a sum of Rs.25 lakhs shall be deposited with the respondent No.2-Tahsildar which is without prejudice to the rights and contentions of the petitioner and of course subject to the orders passed by the Appellate Authority and such further orders. Statement accepted.

5. Having regard to the submissions made on behalf of the petitioner and considering that a sum of Rs.25 lakhs is secured, the respondent No.3 is directed to lift the attachment on the properties of the petitioner. Further, the seal on the gymnasium, the description of which is mentioned in prayer clause (d) of the petition be desealed on the petitioner depositing the aforesaid amount.

6. All consequential actions pursuant to the order dated 30/12/2022 be initiated after the orders are passed by the Appellate Authority. If no appeal is preferred by the petitioner within a period of four weeks from today, it would be open for the respondents to execute the order passed by the Tahsildar and take further steps.

7. Keeping all contentions open, the writ petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)