



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 6288 OF 2025

Mohd.Sadik Mohd.Sabir, Aged 40 yrs, Occ-Agriculturist,
R/o Bhatkuli, Tq. Bhatkuli, District Amravati.

PETITIONER

VERSUS

1. The Additional Commissioner (Revenue), Amravati
Division Amravati, Tq. and District Amravati.
2. Additional Collector, Amravati, Tq. and Dist. Amravati.
3. Sub-Divisional Officer, Tiwasa-Bhatkuli,
Taluka Bhatkuli, District Amravati.
4. Tahsildar Bhatkuli, Tq. Bhatkuli, Dist. Amravati.

RESPONDENTS

Shri J.B. Kasat, counsel for the petitioner.
Ms PT. Joshi, Assistant Government Pleader for the respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE ON WHICH ARGUMENTS WERE HEARD : FEBRUARY 17, 2026

DATE ON WHICH JUDGMENT IS PRONOUNCED : APRIL 02, 2026

JUDGMENT

RULE. Rule made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner has challenged the orders passed by the respondent no.1 to 4 imposing and upholding penalty against the petitioner under Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 (for short, 'the Code').

3. The petitioner is the owner of tractor trolley which is alleged to have been purchased on finance in January-2025 and which was being used by his driver for carrying sand to his agricultural field for temporary construction of a tin shade. In that process, on 29.01.2025, the Tahsildar

intercepted the vehicle on the ground that the vehicle was carrying one brass of sand without permission and the vehicle was seized. By recording an inference that there was illegal transportation of one brass of sand, the Tahsildar passed order dated 11.02.2025 and imposed penalty of Rs.23,100/- under Section 48(7) of the Code. The Sub-Divisional Officer upheld the said decision by order dated 18.02.2025 and dismissed the appeal but at the same time exercised powers under Section 48(8) of the Code and imposed fine of Rs.1,00,000/-. The petitioner challenged these orders before the Additional Collector, Amravati and the appeal came to be dismissed on 20.06.2025. This order was challenged by way of revision before the Additional Commissioner, Amravati under Section 257 of the Code which came to be rejected by order dated 04.09.2025. Feeling aggrieved by all these orders, the instant petition is filed.

4. The petitioner's primary contention is that there was no illegal transportation of any sand, much less attracting penalty under Section 48(7) or 48(8) of the Code. By inviting attention to the panchnama dated 29.01.2025 prepared by Tahsildar, Bhatkuli, the learned counsel for the petitioner submitted that the spot panchnama is prepared by recording vague calculations since there are many blank spaces in the formula which is mentioned while drawing inferences. He submitted that this panchnama was the basis for passing the impugned orders, even though it cannot be held to be conclusive in any sense. Further, transportation of one brass of sand was for the purpose of construction activity of the petitioner on his own land which cannot be considered to be illegal in any manner.

5. The learned Assistant Government Pleader for the respondents opposed the petition. He submitted that all the impugned orders are passed by the Authorities after complying with the procedure of giving due notice and opportunity of hearing. He submitted that the petitioner has failed to demonstrate any illegality with the impugned orders. He submitted that the petitioner has admitted the fact of carrying one brass of sand and hence no interference is warranted with the impugned orders.

6. The original record of the case is produced before this Court and on perusal of the record, it becomes clear that the panchnama dated 29.01.2025 prepared by Tahsildar, Bhatkuli although contains name of the place as Bhatkuli and the name of driver as Pavan Kailas Ingle, however the tractor number is kept blank. So also the details of the mineral alleged to be transported are also left blank. The panchnama mentions some formula, however without mentioning any details about the units to be calculated, straightway an inference is recorded about the quantity being one brass. Pertinent to note, this panchnama is the basis for drawing further inferences leading to imposition of penalty under Section 48(7) and 48(8) of the Code.

7. Although the learned Assistant Government Pleader has attempted to support the impugned orders, however there was no convincing explanation at all about the discrepancies in the aforesaid panchnama.

8. While considering the controversy involved, it has to be noted that the entire action is based on the panchnama dated 29.01.2025 drawn by

the Tahsildar. Pertinent to note, the panchnama does not mention details of any quantity of sand neither the formula for drawing conclusions contain any details and as such, the inference that one brass of sand was being transported by the said vehicle is without any basis. Under these circumstances, the contentions canvassed on behalf of the petitioner that some sand, may be weighing about one brass, was being transported by his driver to his agricultural field for construction of tin shade appears to be a plausible explanation. The drastic conclusions drawn by the respondent-Authorities based on the panchnama which appear to be defective are unsustainable in law and therefore the consequent imposition of penalty under Section 48(8) of the Code is rendered illegal.

9. In view of above mentioned factual and legal aspects, I am of the considered opinion that the impugned orders passed by the respondent-Authorities are unsustainable in law and deserve to be quashed and set aside.

10. As such, the writ petition is allowed. The impugned orders passed by the respondent nos.1 to 4 are quashed and set aside. The tractor and trolley having Chasis no.D10283460 be released in favour of the petitioner.

11. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)