
(2026) 08 BOM CK 3017

In the Bombay High Court, Aurangabad Bench

Case No : Writ Petition No. 8947 of 2026

Dhananjay Ramchandra Kale

APPELLANT

Vs

The State Of Maharashtra & Ors.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Maharashtra Land Revenue Code — Section 48(8)(2), 48

Citation : (2026) 08 BOM CK 3017

Hon'ble Judges : S. G. Chapalgaonkar, J

Bench : Single Bench

Advocate : Mr. Amol Ratan Gaikwad, Mr. R. K. Ingole

Final Decision : Allowed

Judgement

1. Rule. Rule made returnable forthwith. With consent of parties, matter is heard finally at admission stage.

2. The petitioner impugns order dated 15.06.2026 passed by Sub Divisional Officer, Kalamb, thereby imposing penalty of Rs.1,00,000/-against petitioner in exercise of powers conferred under Maharashtra Land Revenue Code.

3. Mr. Gaikwad, learned Advocate appearing for petitioner submits that petitioner is owner of vehicle bearing Registration No.MH-25-AS-3068. The vehicle was used in construction, agriculture and infrastructure projects for excavating, trenching or handling material. On 22.05.2026, petitioner's vehicle was intercepted by police officers and taken in possession alleging that it was used for transportation of sand. Accordingly, respondent no.6 Police Sub Inspector forwarded report to Tahsildar, which was then referred to Sub Divisional Officer, Kalamb, who passed impugned order imposing penalty. It is contention of petitioner that impugned order is passed by respondent no.3-Sub Divisional Officer on the basis of police report and so called panchanama prepared by police personnel. Therefore, entire exercise undertaken by police officers is without jurisdiction. Eventually, impugned order which is based on police panchanama

cannot be sustained in law. In support of aforesaid contentions, Mr. Gaikwad relies upon judgment and order passed by this Court in case of Vivek S/o Madhukarrao Sakhare Vs. State of Maharashtra & Others (Writ Petition No.3891/2020 decided on 29.09.2025) as well as decision of Division Bench of this Court in case of Gufran Khan Rahmatullah Khan Vs. State of Maharashtra and Others (Writ Petition No.8424/2018).

4. The learned AGP supports impugned order.

5. Perusal of record indicates that petitioner's vehicle was intercepted by police in night of 22.05.2026. Accordingly, panchanama was drawn by Police Sub Inspector in presence of panchas and petitioner's vehicles were seized. On next day, report was made to Tahsildar, Washi informing about seizure of vehicles. On 25.05.2026, Tahsildar made report to Sub Divisional Officer, Kalamb about police panchanama. Thereafter, show cause notice was issued to petitioner by Sub Divisional Officer and impugned order is passed.

6. In light of aforesaid factual background, it can be observed that Section 48(8) (2) of Maharashtra Land Revenue Code specifies that Collector, or a Deputy Collector specially authorized by Collector, or any other officer not below the rank of Deputy Collector authorized in this behalf, may impose a penalty for release of vehicle used for illegal transportation of minor minerals. In present case, action is initiated by police. Apparently, there is no authority to police officer to seize vehicle on allegation of unauthorized transportation of minor minerals. This Court in case of Gufran Khan Rahmatullah Khan (supra) observed that action of seizure of vehicle allegedly used for unauthorized transportation of minor mineral by police is without jurisdiction. Eventually, any further action taken under Section 48 of MLR Code in deference to police action of seizure of vehicle by revenue authorities would be without jurisdiction.

7. In light of aforesaid factual matrix and legal position, this Court finds that impugned order is not sustainable in law. Hence, Writ Petition is allowed in terms of prayer Clauses (B) and (C).

8. Rule is made absolute in above terms.