

Ajit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4456 OF 2026

Royce Buildcon Pvt Ltd Thru Prop. ...Petitioner

Versus

The Tahsildar And Ors. ...Respondents

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- Mr. Girish Agarwal a/w Mr. Karan Singh Chaula and Mr. Shubham Sangam, Advocates for Petitioner.
 - Ms. V. R. Raje, AGP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 07, 2026.

P.C.:

1. Heard the learned Advocates appearing for the respective parties.

2. The present Writ Petition can be disposed of by the following order in view of the facts which *prima facie* emerging on the face of record.

3. The impugned order dated 17.04.2025 passed by the Tahsildar under Section 48(7) of the Maharashtra Land Revenue Code, 1966, *inter alia*, levies royalty, penalty and interest on the Petitioner in respect of excavation. It is *prima facie* seen that the Petitioner, being a developer, has all permissions for carrying out the concerned development, details of which are also placed on record. In the course of development, the Petitioner has excavated his land for laying the

foundation of the building, which he constructed. The allegation has been made against the Petitioner that he has used the extracted minerals therefrom and transported them elsewhere. The charge against the Petitioner is of unauthorized excavation of minerals and transportation, which is *prima facie* claimed on the basis of a report prepared by the Circle Officer, reference to which is made in the impugned order.

4. Mr. Agarwal, at the outset, informs the Court that the Petitioner is not concerned with the subject site to which reference is made in the impugned order. He would draw my attention to Exhibit-C, page No.18, wherein the details of the concerned site address have been given, which does not pertain to the Petitioner's land at all. It is pertaining to the adjacent plot according to him. Despite the aforesaid fact, being aggrieved with the impugned order and the development which is being carried out by the Petitioner, the Petitioner has shown his bonafides by depositing 25% of the impugned amount by demand draft, copy of which is appended at Exhibit-J, page No.37. The Petitioner has *prima facie* made out a case which needs consideration by the Tahsildar. The impugned order, as it is passed *prima facie* does not consider the aforesaid issues in view of which the same cannot be sustained by this Court. Tahsildar ought to have confirmed about the identity of the plot.

5. The present Petition was mentioned on account of urgency yesterday evening and it was granted circulation today morning.

6. Mr. Agarwal apprises the Court that notice of hearing of the Petition was given to the office of the Government Pleader yesterday but today at 12 noon the property of the Petitioner has been sealed by the office of the Tahsildar i.e. Respondent No.1. The Tahsildar is directed to remove seal forthwith on the basis of a server copy of this order.

7. Issue notice to Respondents returnable on 15.04.2026. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

8. The Chief Government Pleader shall immediately step in and ask the Tahsildar to remove the seal forthwith. The Chief Government Pleader will take appropriate instructions from the Tahsildar and depute a responsible Government Pleader to appear in the present matter and apprise the Court accordingly.

9. Ms. Raje enters appearance on behalf of the Respondent-State. She is directed to obtain appropriate instructions and accordingly apprise the Court on merits of the matter which are

delineated herein-above.

10. Needless to state that the aforesaid directions of removing the seal shall be done forthwith by the Tahsildar and no coercive steps will be taken up against the Petitioner's property without the leave of this Court, which shall be noted by the Tahsildar in the above facts and circumstances.

11. All parties to act on a server copy of this order.

12. Liberty to apply, if necessary.

13. Stand over to **15th April 2026**.

[MILIND N. JADHAV, J.]

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