

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.15415 of 2012

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ORDER :

The writ petition is filed seeking issuance of writ of mandamus declaring the proceedings No.A/6685/2011 dated 17.05.2012 issued by the 3rd respondent, wherein he imposed fine of Rs.1,00,000/- against the petitioner, as illegal and arbitrary.

2. It is the case of the petitioner that he is the owner of goods vehicle bearing No.AP 28 TC 9486, having permit to transfer the goods. As there was restriction of selling sand in the State of Andhra Pradesh at that relevant point of time, the petitioner was transporting sand from Karnataka State. He stated that while the vehicle was transporting sand on 16.05.2012, the 3rd respondent seized the same and handed it over to the custody of the 4th respondent. The petitioner submits that vide order 26.04.2012 in W.P.No.11722 of 2012 and batch, this Court while issuing interim direction observed that there is no prohibition for carrying sand from outside the State of Andhra Pradesh into the State of Andhra Pradesh. In view of the above it is contended that the respondents have intentionally stopped the vehicle and passed the impugned proceedings by directing the petitioner to pay an amount of Rs.1,00,000/- as fine under the Andhra Pradesh Water, Land and Trees Act, 2002. Challenging

the same, the present writ petition is filed.

3. By order dated 23.05.2012 this Court while issuing notice before admission granted interim direction to the 3rd respondent to release the vehicle on payment of Rs.25,000/-.

4. Learned counsel for the petitioner placed on record a copy of the judgment dated 15.09.2015 passed by this Court in W.P.No.13257 of 2012 and batch, wherein this Court held that the respondents therein have no authority to seize and impose fine.

5. Learned Government Pleader for Revenue did not dispute the contention of the learned counsel for the petitioner.

6. Since the case on hand is squarely covered by the judgment of this Court in W.P.No.13257 of 2012 and batch, the writ petition is allowed in terms of the said judgment and the amount collected from the petitioner under the interim order passed in this case shall be refunded within four weeks from the date of receipt of a copy of this order. No costs.

7. Miscellaneous petitions pending, if any, shall stand closed.

C. PRAVEEN KUMAR, J

23rd September 2015.

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