

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.25718 of 2015

Between :

G. Nageswara Reddy S/o.G. Ranga Reddy,
Aged about 35 yrs, Occu : Agriculture,
D.No.1/62, Komali village, Tadipatri Mandal,
Anantapur District.

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Panchayat Raj Department,
Secretariat, Hyderabad & Others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 14.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.25718 of 2015

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ORDER :

The petitioner claims to be the registered owner of Tractor bearing No.AP 22 AG 8339 and Tractor bearing No.AP 21 TT 1254. The petitioner claims to have purchased the said vehicle on 12.05.2015. The vehicle of the petitioner was seized on the allegation that the petitioner was illegally transporting the sand without way bill and transit form. Aggrieved by the seizure of the vehicle, this writ petition is filed.

2. Learned counsel for the petitioner submits that after purchase of the vehicle, this was the second time the petitioner's vehicle was alleged to have been involved in transporting of sand. In fact according to the petitioner, he was transporting sand with valid permit and that he has not committed any illegality. The petitioner was issued a notice on 04.08.2015 asking him to submit his explanation as to why the vehicle should not be confiscated. The petitioner stated to have submitted a reply.

3. Learned Government Pleader, produced the written instructions dated 13.08.2015. The instructions disclose that the vehicle of the petitioner was earlier involved in Crime on 06.05.2015 and on 08.06.2015 and some other dates. Earlier the petitioner filed W.P.No.20180 of 2015 against earlier seizure of his vehicle. This Court granted an interim order on 09.06.2015 for release of the vehicle subject to petitioner paying Rs.45,000/-. It appears that the vehicle was released on payment of the amount of Rs.45,000/-. After release of the vehicle, it is now alleged to be involved one more time in committing the crime of transporting sand illegally. The instructions disclose that the vehicle is involved on fourth occasion. Whereas the learned counsel for the petitioner contends that his involvement is to be seen after the purchase of the vehicle. He therefore contends that it cannot be said that the petitioner's vehicle was involved on four occasions and what was done by the previous owner cannot be attributed to the petitioner.

4. This is a matter which the petitioner can agitate before the competent authority in the form of explanation in pursuant to the notice dated 04.08.2015. Thus, the writ petition is disposed of granting liberty to the petitioner to make a detailed explanation afresh to the Revenue Divisional Officer, Anantapur, Anantapur District (4th respondent), explaining that he has not violated the provisions of G.O.Ms.No.95 Industries & Commerce (Mines-IV) Department dated 28.08.2014 on four occasions and that he can be levied penalty for violations made only after the vehicle was purchased by him and what was done by the previous owner cannot be attributed to the petitioner, as a crime committed by one person cannot be passed on to another person. On such submission of representation, the 4th respondent shall consider the same in accordance with the provisions of G.O.Ms.No.95 and pass appropriate orders as warranted by law, within a period of one week from the date of submission of the representation. If the 4th respondent is satisfied with the explanation, he shall release the vehicle subject to fulfillment of conditions of G.O.Ms.No.95 dated 28.08.2014.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

14th August, 2015.

Note :Issue C.C. by 17.08.2015.

B/o.
Rds