

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.13252 of 2012

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ORDER :

The writ petition is filed seeking issuance of writ of mandamus declaring the proceedings No.A/676/2012 dated 28.04.2012 issued by the 4th 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 29 TB 1278, having permit to transfer the goods. As there was restriction of selling of sand in the State of Andhra Pradesh at the relevant point of time, the petitioner having come to know that the sand is available in Raichur of Karnataka State, paid demand draft of Rs.2,200/- to the State of Karnataka on 25.04.2012 for the purpose of transporting sand. He stated that on 26.04.2012 while the vehicle was transporting sand, the 4th respondent seized the same and handed over it to the custody of the 3rd respondent. In spite of producing the proper way bills issued by the Karnataka State, the respondents straight away passed the impugned proceedings and directed the petitioner to pay an amount of Rs.1,00,000/- as fine referring to Rule 27 of the Andhra Pradesh Water, Land and Trees Act, 2002. Challenging the same, the present writ petition is filed.

3. By order dated 02.05.2012 this Court while issuing notice before admission granted interim suspension subject to deposit of half of the amount mentioned in the notice.

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 considered similar question and allowed the writ petitions.

5. Learned Government Pleader for Revenue did not dispute the same.

6. In view of the above and following the said judgment of this Court dated 15.09.2015 in W.P.No.13257 of 2012 and batch, this writ petition is allowed. The amount collected from the petitioner under the interim order passed in this case shall be refunded to him 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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