

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5270 OF 2015

ORDER :

This petition is filed seeking a *Writ of Mandamus* declaring the notice in Rc.No.166/2015 (A) dated 19.02.2015 issued by the 3rd respondent, as illegal and arbitrary and for a consequential direction to set aside the same.

The case of the petitioner is that he is the owner of the Lorry bearing registration No.AP 37 X 2939. While so, the 3rd respondent issued notice dated 19.02.2015 imposing penalties on the petitioner's vehicle on the ground that the same is transporting the sand illegally.

Learned counsel for the petitioner submits that the vehicle was seized on 18.02.2014 and thereafter the respondents straightaway issued proceedings dated 19.02.2015, imposing penalties on the petitioner's vehicle without issuing any prior notice, which is in violation of principles of natural justice.

Heard the learned Assistant Government Pleader for Revenue.

A perusal of the impugned proceedings dated 19.02.2015 shows that penalties were imposed on the petitioner's vehicle without issuing any notice and it also does not indicate that petitioner was given an opportunity of hearing. In view of the same, only on the ground of violation of principles of natural justice, the impugned proceedings dated 19.02.2015 are set aside. However, it is open for the petitioner to make an application before the competent authority and the competent authority shall consider the same and pass appropriate orders in accordance with law for release of the vehicle.

With the above direction, the writ petition is allowed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

A.RAJASHEKER REDDY, J

04.03.2015

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