

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**Writ Petition No.15868 of 2012**

**Date: 28-10-2015**

Between:

K. Lokya

.... Petitioner

AND

The District Collector, Mahabubnagar,  
Mahabubnagar District and another

.... Respondents

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**Writ Petition No.15868 of 2012**

**ORDER:**

-  
The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings No.A/795/2012, dated 18-05-2012 in imposing penalty of Rs.1,00,000/- for releasing the vehicle under A.P. Water, Land and Trees Act, 2002, for illegal transportation of sand,.

On 30-05-2012, this Court, while admitting the writ petition, directed the respondents to release the vehicle bearing No.AP-13-X-1713 subject to condition of the petitioner depositing a sum of Rs.25,000/- before the 2<sup>nd</sup> respondent.

The petitioner claims to be owner of the goods vehicle bearing No.AP-13-X-1713 and is having a valid goods vehicle permit along with other documents to ply the same. It is stated that the petitioner was unable to lift the sand from the contractor within the State and came to know about the availability of the sand at Raichur, Karnataka State where the authorised contractor is selling the sand. The petitioner went to Raichur and on enquiry he

came to know that he has to pay Rs.2,200/- for the State of Karnataka by way of demand draft apart from making separate payment to the contractor. Accordingly the petitioner paid for Rs.2,200/- to the State of Karnataka on 14-05-2012, paid separate amounts to the contractor and lifted the sand on 14-05-2012. The averments further disclose that when the vehicle entered in the State of Andhra Pradesh with the load of sand, the 2<sup>nd</sup> respondent seized the vehicle in spite of producing proper waybills, which were issued by the State of Karnataka. On coming to know about the same, the petitioner went to the office of the 2<sup>nd</sup> respondent and produced all the original waybills, explained to him that it is not an illegal transportation and requested to release the vehicle. Instead of releasing the vehicle, the 2<sup>nd</sup> respondent is said to have passed the impugned order imposing a penalty of Rs.1,00,000/- under AP WALTA Act.

Learned counsel for the petitioner submits that the issue with regard to seizure of the vehicles and their release is no longer *res integra* in view of the judgment dated 15-09-2015 passed by this Court in W.P.Nos.13257 of 2012 and batch, wherein in similar circumstances, this Court allowed the writ petitions and directed the authorities to refund the amounts collected pursuant to the interim orders passed in those writ petitions. It is stated that the present case is similar to the one decided in the batch of writ petitions.

In view of the orders dated 15-09-2015 passed in W.P.No.13257 of 2012 and batch, the writ petition is allowed and the amount, if any, paid by the petitioner pursuant to the interim order dated 30-05-2012 shall be refunded to the petitioner within a period of six weeks from the date of receipt of the order. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall

stand closed.

Date: 28-10-2015

Ksn

C. PRAVEEN KUMAR, J