

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 13270 of 2012

Order:

The petitioner is a owner of cutting and polishing granite slabs unit. In the course of his business, he purchased two granite blocks from one M/s. K. Ramana Reddy Granites bearing volume 5.04 Cbm and 3.908 Cbm. A transit permit was issued with royalty bill dated 16.04.2012. When they were being transported by the lessee M/s. K. Ramana Reddy Granites to the unit of the petitioner at Medak, the vehicle was stopped by the Assistant Director of Mines and Geology (Vigilance), Karimnagar, and the vehicle was seized on 20.04.2012. When the petitioner approached the Assistant Director of Mines and Geology, the petitioner was directed to pay Rs.1,70,000/- towards royalty and five times penalty. It is the case of the petitioner that he purchased the blocks and invoices were standing in his name, but on his instance a show cause notice was issued to the lessee on 21.04.2012 and a copy of the same was furnished to him on 28.04.2012. Seeking release of the vehicle, the present Writ Petition was filed.

2. This Court, by an order dated 03.05.2012, granted interim stay of notice dated 21.04.2012 subject to condition of the petitioner depositing 25% of the demanded amount within a period of one week from that date.

3. Thereafter, the vehicle was released and, pursuant to the show cause notice issued on 21.04.2012, the lessee submitted a reply on 19.06.2012 stating that they are not responsible for the illegal transportation of the granite blocks and the offence was committed by the transporter only. It was further stated that they issued transit forms on 16.04.2012 but the vehicle was detected on 20.04.2012 i.e., four days after they issued transit forms. They stated that whenever illegal transportation of blocks were noticed, the penalties were paid by the

transporters and they are not responsible.

4. Since the vehicle was released pursuant to the interim orders of this Court dated 03.05.2012 and the notice dated 21.04.2012 is a show cause issued to the lessee, this Court is not inclined to go into the merits of the case, but gives liberty to the respondents to issue appropriate notice to the petitioner as well as to the lessee and decide the case after giving due opportunity to them. The amount already paid by the petitioner would be subject to the further orders to be passed by the respondents. The entire exercise shall be completed within a period of six (6) months from the date of receipt of a copy of this order.

5. The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

6. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 12.04.2016
Nsr

RAMALINGESWARA RAO, J