

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.14968 OF 2013**

**ORDER:**

This writ petition is filed challenging the order dated 06.05.2013 passed by the 2<sup>nd</sup> respondent in Proceedings No.Rc.64/2013, wherein a penalty of Rs.1,00,000/- for each vehicle of the petitioners was levied and for a consequential direction to the 2<sup>nd</sup> respondent to release the petitioners' vehicles bearing Nos.TN 18H 4654 and AP 27 TT 9909.

Heard learned Assistant Government Pleader for Mines and Geology.

This Court on 22.05.2013 while admitting the writ petition issued interim direction to the 2<sup>nd</sup> respondent to release the vehicles on petitioners depositing Rs.20,000/-for each vehicle, subject to penalty if any that may be levied as per law.

Learned counsel for the petitioners submits that in pursuance to the interim order passed by this Court on 22.05.2013, petitioners deposited Rs.20,000/- and vehicles were released. He further submits that though the petitioners submitted explanation dated 03.05.2016 to the notice issued by the respondents, without considering the same in proper

perspective, the respondents passed the impugned order which is in violation of principles of natural justice.

A reading of the impugned order shows that the same is passed without considering the explanation of the petitioner in proper perspective. Learned counsel for the petitioners also states that penalty imposed is harsh and petitioners are not transporting the sand unauthorisedly. In view of the same the impugned orders is set aside on the ground of violation of principles of natural justice. However, it is open for the 2<sup>nd</sup> respondent to pass orders after giving opportunity of hearing to petitioners.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

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**A.RAJASHEKER REDDY, J**

19.10.2016  
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