

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.31434 OF 2015

ORDER:

The prayer of the petitioner in this case is as under:

“For all the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the respondent No.5 in interfering with petitioner's business of quarrying/transporting of material from quarry and also interfering with petitioner's life and liberty as highly illegal, colourable exercise of power and violative of Art.19 and 21 of the Constitution of India and consequently direct the

5th respondent not to interfere with petitioner's business activities and also his life and liberty and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The Sub-Divisional Police Officer, Nandigama, Krishna District, filed a counter-affidavit denying the allegation of the petitioner that the Sub-Inspector of Police, Chillakallu Police Station, Chillakallu, Krishna District, the fifth respondent, was interfering with the business of quarrying/transportation of the mineral by the petitioner and was harassing him by detaining the vehicles. According to the Sub-Divisional Police Officer, his enquiry had revealed that there was no such harassment or interference by the fifth respondent with the lawful quarrying/transportation of the mineral by the petitioner. He further stated that on 17.08.2015, when the police authorities conducted a vehicle check at Chillakallu Toll Plaza and stopped three tractors loaded with gravel, the drivers thereof produced the necessary documentation and upon checking the same, the police authorities found that they were overloaded. Necessary communication in this regard was addressed to the mining authorities and the tractors were kept at the police station for safe custody. Thereafter, the mining authorities informed the police authorities that due penalty had been

paid and thereupon the vehicles were released on 18.08.2015. The other allegations made by the petitioner against the authorities were categorized as false and baseless and denied.

No reply-affidavit was filed by the petitioner rebutting the afore-stated counter-affidavit averments.

Sri Dilip Naik, learned counsel for the petitioner, states that the petitioner is not interested in pursuing the writ petition against the sixth respondent, the Sub-Inspector of Police, Chillakallu Police Station, impleaded in his personal capacity.

In the light of the afore-stated unrebutted counter averments, it is clear that the police authorities are not interfering with any lawful operations of the petitioner and it was only in the context of the overloaded tractors of the petitioner that steps were taken.

The writ petition therefore does not warrant adjudication on merits and is accordingly closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

**JUSTICE SANJAY
KUMAR**

28th January, 2016
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