

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44413 of 2016

Date: 27.12.2016

Between:

S.Narayana Reddy s/o.Narayana Reddy,
Aged about 35 years, Lorry Owner,
R/o. 4-454-2, Sreeramulapet, Tadipatri,
Ananthapur District.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Principal Secretary, General Administration
Department, A.P.Secretariat Buildings at
Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44413 of 2016

ORDER:

Goods vehicle of the petitioner bearing Registration No.AP-02-TA-9599 was seized on 29.10.2016 while he was carrying granite blocks in it. Show-cause notice dated 13.11.2016 was served on the petitioner calling upon his explanation from the points mentioned in the said show-cause notice. Petitioner claimed to have submitted his explanation on 19.11.2016 clarifying the points in the said show-cause notice.

2. Earlier petitioner filed W.P.No.40836 of 2016 contending that even though explanation was submitted, so far no decision was taken and vehicle was kept in open space, exposed to sunlight and air and is being damaged.

3. This Court disposed of the said writ petition by order, dated 29.11.2016, directing consideration of the explanation submitted by the petitioner on 19.11.2016 and to pass appropriate orders within a period of 10 days from the date of receipt of that order.

4. The competent authority to consider the explanation and to pass orders is the Assistant Director of Mines and Geology (Vigilance) – 4th respondent. However, by mistake in para-5 of the order dated 29.11.2016, instead of 4th respondent, it was typed as 1st respondent.

5. The 4th respondent herein, who is also 4th respondent in W.P.No.40836 of 2016, passed the impugned orders on 13.12.2016, as a consequence to the directions issued by this

Court in W.P.No.40836 of 2016, holding that the competent authority to consider the explanation submitted by the petitioner is the Principal Secretary and, therefore, informs the petitioner that he is waiting for instructions from the Government.

6. In W.P.M.P.No.56272 of 2016 in W.P.No.40386 of 2016, this Court passed orders today correcting the correct respondent, who is entitled to consider the explanation submitted by the petitioner and to pass orders. The revised order is being issued by the Registry.

7. Since the competent authority to pass orders is the Assistant Director, who is 4th respondent herein, he has to pass orders and not the Government. Further, the orders passed by the 4th respondent impugned in this writ petition does not assign reasons in support of his decision, except holding that he is waiting for the decision of the Government.

8. In view of the earlier directions of this Court, as revised orders passed today in W.P.M.P.No.56272 of 2016, the 4th respondent has to consider the explanation, dated 19.11.2016 submitted by the petitioner and to pass orders in terms thereof by assigning due reasons in support of his decision. Thus, the order issued in the form of letter impugned herein is set aside and 4th respondent is directed to comply with the directions issued in W.P.No.40836 of 2016 as per the corrected order issued in W.P.M.P.No.56272 of 2016, within a period of one week from the date of receipt of copy of this order.

9. Writ petition is allowed accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 27.12.2016

*Note: Issue CC in two days
(B/o)
kkm*



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