

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46042 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 3rd respondent in seizing the sand property in Crime No.55 of 2016, which is stored in the land of the petitioner in R.S.No.51/2B at I.Pangidi Village by purchasing authorizedly even before announcing free sand scheme by the State Government and not releasing the property in spite of showing the valid transport receipts and in spite of proving the ownership of the property, as illegal and arbitrary.

Heard and perused the material available on record.

The *de facto* complainant, SBV Kameswara Rao, Village Revenue Officer, I.Pangidi Village, lodged the present complaint alleging that he received information about the illegal dumping of sand about 150 units in R.S.No.51/2B, opposite of Kusuma Estate, on the way of Rangarao Colony, I.Pangidi by the petitioner with a view to sell the same for higher prices and that there are no undergoing constructions at that place. Based on the said complaint, the 3rd respondent registered a case in Crime No.55 of 2016, against the petitioner for the offences punishable under Section 188 IPC and Sub-Rule (3) of 9-B (3) of the A.P. Minor Mineral Rules, 1966.

The main grievance of the petitioner is that the petitioner purchased the sand through a valid licensed person by paying cash and the same is not illegally transported by the petitioner and

that the 3rd respondent seized the sand property and kept in the custody of the 4th respondent.

Learned counsel for the petitioner submitted that the petitioner is having all the relevant documents to substantiate the facts of the case.

Considering the above facts and circumstances and the submission of the learned, the writ petition is disposed of with the following direction:

The petitioner is directed to produce all the relevant documents to respondents 3 & 4 substantiating his claim for release of sand, which belongs to the petitioner. On such production of the relevant documents by the petitioner, respondents 3 & 4 are directed to release the same to the petitioner.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 28.12.2016

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