

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.44434 of 2016

ORDER:

Heard Sri V.V.N.Narayana Rao for petitioners and Assistant Government Pleader for Revenue.

Petitioners challenge Proceedings Roc.No.802/2016 dated 06-12-2016 as illegal, arbitrary and violative of procedure prescribed under G.O.Ms.No.42, dated 29-03-2016.

The circumstances relevant for disposal are that on 05-12-2016, the 3rd respondent received report from VRO of Pedarambhadrapuram. On 06-12-2016, the 3rd respondent in purported exercise of power conferred on him by Rule 6 of G.O.MS.No.42, dated 29-03-2016 has passed the order dated 06-12-2016. The operative portion of which reads thus:-

“In terms of G.O.Ms.No.42, Industries and Commerce (Mines-II) Department, dated 29.3.2016 and Rule (9)(B)(1) and also the report given by Village Revenue Officer, it is found that sand is illegally transported from Thandava River situated at Pedarambhadrapuram Village, Payakaraopeta Mandal and for doing illegal activities a fine of Rs.1,00,000/- is imposed on each tractor.”

The reference to the two dates which have bearing firstly would go to show that the 3rd respondent has not followed the procedure mandated by G.O.Ms.No.42. On the short ground that

the penalty is levied without following the procedure stipulated by G.O.Ms.No.42, the impugned communication is set aside.

The writ petition is ordered by issuing further directions as follows:-

The petitioners are given liberty to file explanation within one week from today and the 3rd respondent is directed to consider the objections raised by the petitioner, record a finding thereon and pass orders as are deemed fit and proper in the circumstances of the case within one week thereafter.

The writ petition is ordered accordingly. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

Date: 05-01-2017
Note:
Issue C.C. in three days
Prv

S. V. BHATT, J

