

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION NO:12696 OF 2017

ORDER:

1. This writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in not granting permission to stock the sand at nearby place to the respective reaches through Tractors and Bullock Carts and to transport the same by heavy vehicles, and in not considering the representation of the petitioners, dated 6.3.2017, as illegal and arbitrary.

2. The case of the petitioners is as follows:

The petitioners are engaged in the business of transportation of sand for the last 5 years and they are the registered owners and possessors of the lorries having capacity of 10 to 12 tyres and they are eking out their livelihood on the rents received from the lorries. The method of the transportation is that the vehicles would go to sand reach directly and get the sand loaded and come out irrespective of light or heavy vehicles. While so, the State Government issued a Memo No:3066/M.II/(1)/2016-3, dated 4.3.2016 revising the sand policy. After issuance of the said Memo, the procedure prescribed is that the sand shall be extracted and loaded into Tractors and Bullock Carts manually only and no other heavy

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vehicles are permitted into the reaches except the Tractors and Bullock Carts. Expressing their grievance, the petitioners submitted a representation to the 2nd respondent on 6.3.2017. But, no action has yet been taken on the said representation. The petitioners came to know that in other Districts like Ananthapuram, the District Collector considered the similar request by allowing the transporters to get the sand out through the Tractors, so as to store it at a nearby place to the sand reach and to transport the same therefrom through heavy vehicles to the respective customers. Hence, the petitioners approached this Court by filing this writ petition.

3. On the other hand, it is the contention of the 3rd respondent that the petitioners are the third parties and at the behest of the lorry owners, the petitioners approached this Court with a malafide intention to hold the sand reaches in the District and to get the monitory benefits by taking shelter under the guise of lorry owners. The District Administration of East Godavari under the Chairmanship of the District Collector vide its minutes of the sand meeting held on 25.11.2016 fixed the rates of loading maintenance of paths. The Mandal Level Task Force Teams consisting of Tahsildar, M.P.D.O and the Station House Officers of Concerned Mandals should monitor the collection of charges. Therefore, if the representation is

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considered, it may cause much hardship to the common public and there is every likelihood of transporting of sand out of the State by using heavy Tippers. The very object of the Committee is to enable the public to get the sand from the nearest sand reaches to avoid the heavy transportation charges. As such, the writ petition is liable to be dismissed.

4. Heard and perused the material available on record.

5. A perusal of the material available on record shows that a policy decision is taken by the Government by issuing the Memo No:3066/M.II/(1)/2016-3, dated 4.3.2016 enabling the public at large to get the sand at free of cost. As a matter of fact, the said Memo has not been challenged in this writ petition questioning its arbitrariness, if any.

6. The approach of the petitioners is that they have submitted a representation before the authorities on 6.3.2017 expressing their grievance to be considered by the authorities. Except giving a bald statement that they are engaged in the business of transportation for the last 5 years, no material was placed by the petitioners before this Court to show that they own any lorry or lorries. This itself strengthens the contention of the respondents that the petitioners are the third parties, who approached this Court at the behest of the lorry owners.

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7. In view of the policy decision taken by the Government in the interest of the public at large coupled with the fact that the petitioners have not come to the Court with clean hands and they have filed this present writ petition in the form of a Public Interest litigation, this Court is of the view that there are no merits in this writ petition and thereby, this Court is not inclined to grant the relief, which is sought against the policy decision of the Government. However, as it is the contention of the petitioners that no orders have been passed so far on their representation, the respondents concerned are directed to pass appropriate orders on the representation of the petitioners, in accordance with law.

8. With the above direction, this writ petition is disposed of.
No costs.

Justice Raja Elango

Dated: 12.07.2017

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