

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.39395 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to declare the action of the respondents in seizing the petitioner's vehicle bearing No.AP 15 TC 4498-AP 15 TC 4497 – Tractor and Trailer without following any procedure as envisaged under Government orders vide G.O.Ms.No.3, Industries and Commerce (Mines-I) Department, dated:8-1-2015, and G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated:19-02-2015 as illegal, arbitrary, high handedness and against the principles of natural justice and also violative of Articles 14, 16 19 (1) (g), 21, 300-A and 301 of the Constitution of India and consequently direct the respondents to release the petitioner's vehicle bearing No.AP 15 TC 4498-AP 15 TC 4497 – Tractor and Trailer forthwith, and to pass appropriate orders.

2. At the time of arguments, the only relief sought by the learned Counsel for petitioner is to direct the 2nd respondent to dispose of the application, if any, filed by the petitioner.

3. In view of the submissions made, the 2nd respondent is directed to dispose of the application, if any, filed by the petitioner, in terms of G.O.Ms.No.15, Industries and Commerce (Mines-I) Department, dated:19-02-2015, within three days from the date of filing of the Application.

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4. With the above direction, the Writ Petition is disposed of. No order as to costs.

5. Miscellaneous Petition/s, if any, filed in this Writ Petition shall stand closed.

JUSTICE T. SUNIL CHOWDARY

Dt.23-11-2017
Gnr



THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY



WRIT PETITION No.39395 of 2017

DATED:23-11-2017

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THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.39479 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to declare the action of the respondents in not permitting the vehicles carrying sand from the State of Maharashtra into the State of Telangana as being illegal, arbitrary, irrational, without authority of law and violation of Article 301 of the Constitution of India and consequently restrain the respondents from interfering with the transportation of sand by the petitioner from the State of Maharashtra into the State of Telangana through Kaleswaram Village, Mahadevpur Mandal, Jayashankar Bhoopalapally District.

2. At the time of arguments, learned Counsel for petitioner submitted that the issue involved in the present Writ Petition is squarely covered by the Order of this Court dated:20-6-2012 in W.P. No.17322 of 2012 and that, therefore, this Writ Petition may also be disposed of on the same lines.

3. Heard the learned Counsel for petitioner, learned Government Pleader and the learned Standing Counsel. Perused the material on record.

4. A Division Bench of this Court in W.P.M.P.No.14757 of 2012 in

W.P.No.11722 of 2012 held as under:

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“However, it is made clear that the District Collector and the other respondents will ensure that the vehicles are only carrying sand from outside the State of Andhra Pradesh and that they are carrying necessary permits and other relevant documents. The necessary taxes/duties shall also be paid by the vehicle owners”

5. Therefore, in view of the above decision, there is no prohibition for transportation of sand from Maharashtra to the State of Telangana. Hence, the respondents are directed not to intercept the vehicles of the petitioner for transportation of the sand from the State of Maharashtra into the State of Telangana through Kaleswaram village, Mahadevpur Mandal, Jayashankar Bhoopalapally District, provided that the petitioner is carrying the necessary permits and all other relevant documents for transporting the sand and also necessary taxes/dues shall be paid by the vehicle owners.

6. With the above direction, the Writ Petition is disposed of. No order as to costs.

7. Miscellaneous petition/s, if any, filed in this Writ Petition shall stand closed.



JUSTICE T. SUNIL CHOWDARY

Dt.23-11-2017
Gnr