

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.1408 & 1437 of 2018

COMMON ORDER:

Heard both sides and perused the prayers in the respective two writ petitions with the supporting affidavit and other material on record.

It is the submission of the learned counsel for the respective petitioners that there is no any illegal transportation of sand involved by use of the vehicles in question of the petitioners much less within the prohibited area and merely because crime is registered, they cannot be asked to pay penalty as contemplated by G.O.Ms.No.42 dated 29.03.2016 of Rs.1,00,000/- and they are ready to defend in the crime registered by the police in the event of police filing final report and they already submitted explanation to the show cause notice, which is not disposing of either finally or by giving interim custody by the Assistant Director of Mines and Geology.

Having regard to the above, both the Writ Petitions itself are disposed of by directing the Assistant Director of Mines and Geology to dispose of said vehicles by passing appropriate orders as to not liable for confiscation as contending by the petitioners saying non-application of G.O.Ms.No.42 or liable for confiscation or for penalty under G.O.Ms.No.42 as contended by the learned Government Pleader as the case may be on own merits within three weeks from the date of receipt of this order.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.01.2018
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