

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5346 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleaders for Mines & Geology and Home respectively for respondents and perused the prayer in the writ petition with the supporting affidavit and other material on record.

The operative portion of the impugned order dated 11.02.2018 reads as follows:

“In view of the above, it is hereby directed to the all petitioners to pay the Rs.1,00,000/- penalty for following Head of Accounts.”

A perusal of the impugned order no way shows application of mind much less consideration of explanation what they stated submitted as referred in the writ petition that is reproduced. No doubt as can be seen from the Google maps, the distance between Sullurupeta, the residence of the petitioner and Mannarpolur, the sand reach is about 4 kms and it is highly unbelievable as pointed out by the learned Government Pleader, for the petitioner to take the vehicle there, but for to support the prosecution version covered by the FIR of crime registered from clandestinely dealing of sand. However that will not absolve the responsibility of the respondents in passing a reasoned order.

Having regard to the above without going into the merits, the impugned order is set aside by directing the 2nd respondent to pass a fresh order with reference to the explanation dated 18.01.2018 preferably within a period of two (2) weeks from the date of receipt of this order.

With the above observations, the Writ Petition is disposed of.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.02.2018
ska

