THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.17951, 17954, 18231, 20161, 20303, 20329, 20569, 21343, 29967 & 31340 OF 2016; 2139, 2289, 2308, 3508, 3569, 4109, 4251, 4470, 4579, 4892, 4914, 5718, 7000, 9082, 9892, 10133, 10561, 10562, 10823, 10879, 10881, 11068, 11164, 11203, 11512, 11551, 12408 & 17143 OF 2017

Date:30.11.2018

W.P.No.17951 of 2016

Between:

M. Suryanarayana Reddy, S/o. M. Raghava Reddy, aged about 49 years, Occ: Agriculture, Kamalapuram Mandal, Kadapa District .. Petitioner

And

The State of Andhra Pradesh, rep., by its Principal Secretary, Industries and Commerce Department, Secretariat, Hyderabad and others .. Respondents

HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.17951, 17954, 18231, 20161, 20303, 20329, 20569, 21343, 29967 & 31340 OF 2016; 2139, 2289, 2308, 3508, 3569, 4109, 4251, 4470, 4579, 4892, 4914, 5718, 7000, 9082, 9892, 10133, 10561, 10562, 10823, 10879, 10881, 11068, 11164, 11203, 11512, 11551, 12408 & 17143 OF 2017

COMMON ORDER:

Heard learned counsel for the parties.

2. In all these Writ Petitions, the petitioners challenge the seizure of vehicles alleging illegal transportation of sand.

3. Court is informed that pursuant to the interim orders passed by this Court, the vehicles are released.

4. Learned counsel for the petitioners would submit that penalty was already paid by the petitioners, wherever it was demanded, and in view of the release of the vehicles, no further orders are required to be passed in these Writ Petitions.

5. However, learned Government Pleader points out that the vehicles are released because of the interim orders passed by this Court and that does not take away the competency of the authority to take further course of action, if the respondents found that the petitioners violated the norms required for transportation of sand.

6. In reply, learned counsel for petitioners would contend that Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short, 'the Rules') prescribes quantum of penalty.

7. Having regard to these submissions, Rule 26 (3)(iii) of the Rules is required to be noticed and the same is extracted as under:

> "If the Driver or person in-charge of the vehicle fails to produce a valid permit issued by the concerned Assistant Director of Mines and Geology or an officer authorized by the Director of Mines and Geology, the officer in-charge of the check post or barrier or during the interception of the movement of the vehicle, may require the Driver or the owner or person in-charge of the vehicle to pay penalty equal to Market Value of the Mineral along with Seigniorage Fee prevalent at that time."

8. From the above Rule, it is clear that the driver or the owner or the person in-charge of the vehicle is required to pay penalty, if he fails to produce a valid permit issued by the concerned authority to transport sand.

9. In view of the same and having regard to the respective submissions, all the Writ Petitions are disposed of holding that no further orders are required with reference to release of the vehicles. However, this order does not come in the way of respondents taking any action, as warranted by law, if not already taken, or if penalty is not already imposed. It is needless to observe that, the Collector is required to follow Rule 26 of the Rules as notified vide G.O.Ms.No.37 dated 14.03.2016 with reference to imposition of quantum of penalty. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:30.11.2018
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