

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10192 of 2007

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the Notice in REC No.1903/06-A4, dated 10.04.2007 of the 3rd respondent and REC No.B555/2006, dated 16.04.2007 of the 2nd respondent demanding the payment of Rs.3,90,240/- from the petitioner, as illegal and arbitrary, and set aside the same holding that the respondents are not entitled to demand any amount towards penalty regarding the construction of a godown by the petitioner at S.Uppalapadu village, Jammalamadugu Mandal, Kadapa District.

Heard Sri K.Murali Krishna, learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

It has been contended by the petitioner that the petitioner had constructed a godown under the name and style as M/s.Yeshwanth Godowns after obtaining necessary permission from the competent authority. However, respondent No.1, nearly 1½ years after completion of the godown, has issued a show cause notice, dated 12.06.2006, to show cause within 7 days as to why seigniorage fee and penalty shall not be collected by invoking the provisions of the Revenue Recovery Act, on the ground that though the Regional Vigilance & Enforcement Department directed the petitioner to produce the permits for purchase of the sand for construction of the said godown he failed to produce the same.

It has been further contended by the petitioner that the petitioner has submitted explanation to the said show cause notice on 22.07.2006, however, he has not produced payment of seigniorage receipts to the

respondents. In those set of circumstances, the respondents, vide orders dated 02.12.2006, passed final orders, directing the petitioner to pay Rs.78,048/- towards seigniorage charges and also imposed 5 times penalty of Rs.3,90,240/-, and in all, the petitioner is directed to pay Rs.4,68,288/-. The petitioner has paid the seigniorage charges of Rs.78,050/- as demanded by the respondents on 04.01.2007. However, the petitioner is aggrieved by the action of the respondents in imposing penalty of 5 times of seigniorage charges on the ground that he has not produced the relevant payment of seigniorage fee receipts to the respondents.

After the impugned orders, the petitioner has submitted his representation on 11.12.2006, wherein he has furnished the details of receipt numbers of payment of seigniorage fee along with lorry numbers. If that be the case of the petitioner, ends of justice would be met if the writ petition is disposed of, directing the petitioner to submit a representation duly enclosing receipts for payments of seigniorage fee to the respondents, within a period of 2 (two) weeks from the date of receipt of a copy of this order, and on receipt of such representation, the respondents shall consider the same and pass appropriate orders thereon, in accordance with law, within a period of 8 (eight) weeks therefrom.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 16.04.2018
Dsr