

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.17903 OF 2023

Between:

M/s Nithin Sai Constructions, #15/324, 5th Floor, Room No.2, Nithin Complex, Subhash Road, Ananthapuramu, Rep. by its Managing Partner and Authorized signatory Sri G.Nithin Sai.

... Petitioner

Versus

1. The State of Andhra Pradesh, represented by its Principal Secretary, Department of Mines, Government of Andhra Pradesh, A.P State Secretariat, Amaravati (A.P) and two others.

... Respondents

Counsels for the petitioners : Smt Jyothi Anumolu

Counsel for respondent Nos.1 to 5 : GP for Mines and Geology

ORDER

The present writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“... to issue a writ of mandamus or any other appropriate Writ to declaring the show cause notice dated 13.07.2023 issued by the 3rd respondent as being without jurisdiction and being arbitrary, illegal, ultra-vires besides being violative of Article 14, 19 (1) (g) and 21 of the Constitution of India and principles of natural justice and to consequently set aside the same and to direct the 3rd respondent herein not to release the two confiscated mobile stone crushers deployed at National Highway-42 Site at

Mudigubba Bypass and to pass such other or further orders..”

2. The writ petition is filed challenging the show-cause notice dated 13.07.2023, issued by respondent No.3 on the ground of lack of jurisdiction and consequently direct the respondent No.3 to release the two confiscated mobile stone crushers deployed at National Highway-42 Site at Mudigubba Bypass, Satya Sai District.

3. Petitioner, a partnership firm represented by its Managing Partner, entered into contract with the Ministry of Road Transport and Highways, Government of India for formation of bypass to Mudigubba on NH-42 from Km137/400 to 137/500 in Ananthapuramu District (Sri Satya Sai District). In the process of laying a road, petitioner has been using two mobile stone crushers for the purpose of recycling.

4. Respondent No.3, on telephonic instructions of the Director of Mines and Geology, issued show-cause notice in Form-I under Rule 9 (d) (i) of Andhra Pradesh Minerals Dealers Rules, 2017, directing the petitioner to submit explanation within a period of 15 days. Respondent No.3 also seized the

crusher units by conducting Panchanama on 13.07.2023. Explanation was submitted on behalf of petitioner on 14.07.2023. In the explanation submitted by the petitioner, he specifically contended that respondent No.3 has no jurisdiction to seize the mobile stone crushers. Jurisdiction of 3rd respondent in issuing notice and seizing the vehicle is also pleaded. Pending consideration, petitioner approached this Court and filed the present writ petition.

5. Since explanation was submitted on behalf of petitioner on 14.07.2023 by pleading jurisdiction, respondent No.3 shall consider the objections objectively pass appropriate orders by giving an opportunity to the petitioner, within a period of one (01) week from today. Respondent No.3 shall also decide the jurisdiction aspect and communicate the order to the petitioner.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SUBBA REDDY SATTI

Date : 20.07.2023
KAS/TVN

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