

(SHOW CAUSE NOTICE BEFORE ADMISSION)  
**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**  
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE NINTH DAY OF MARCH, TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D. RAMESH

WRIT PETITION No. 5207 OF 2021

Between:

M/s. RVN Infra Private Limited, An Incorporated Company under Companies Act, 1956, CIN-U45200AP2013PTC088800, Represented by its Authorized Signatory Mylapalli Srinu, Aged 36 years, Branch office at 24-2-1471, Military Colony, Nellore District. (Lorry Bearing Nos. AP26TF4634, AP26TF4635, AP26TF4639, TS02UB3379, TS02UB3380, TS02UB3401)

....Petitioner

AND

1. The State of A.P., Represented by its Principal Secretary, Department of Industries and Commerce (Mines), Block No.3, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravati, Guntur District.
2. The Director of Mines and Geology, 5<sup>th</sup> and 6<sup>th</sup> Floors, Sri Anjaneya Towers, Ibrahimpatnam, Krishna District.
3. The Assistant Director of Mines and Geology, HIG-94, RTO Office Road, Opp : Drinking Water Supply Office, Madhavadara, Vishakapatnam, Vishakapatnam District.
4. The Tahsildhar, Paravada Mandal, Vishakapatnam District.
5. Village Revenue Officer, Ravada Village, Paravada Mandal, Vishakapatnam District.
6. The Station House Officer, Paravada Police Station, Vishakapatnam District.
7. The Surveyor (Mines), Ravada Village, Paravada Mandal, Vishakapatnam District

....Respondents

WHEREAS the Petitioner above named through his Advocate SRI KILARU NITHIN KRISHNA, presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the highhanded action of the respondents more particularly the action 4th respondent i.e., the Tahsildhar, Ravada Village, Paravada Mandal, Vishakapatnam District in seizing 11 dumper lorries bearing No's AP39U9888, AP05TF1774, AP26TF4635, AP26TF4634, AP31TG3389, TS02UB3379, AP05TB9770, TS02UB3380, AP26TF4639, AP05TF1782, TS02UB3401 as wholly illegal, arbitrary, without jurisdiction, without application of mind and violative of Articles 14 and 19 and 21 of the Constitution of India and apart from being violative of principles of natural Justice and consequently direct the respondents herein to release the vehicles of petitioner i.e., dumper lorries bearing Nos. AP26TF4634, AP26TF4635, AP26TF4639, TS02UB3379, TS02UB3380, TS02UB3401.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI KILARU NITHIN KRISHNA, Advocate for the Petitioner and of the Govt. Pleader for Mines & Geology on behalf of respondent Nos. 1 to 3 and 7 and of the Govt. Pleader for Revenue on behalf of respondent Nos. 4 and 5 and of the Govt. Pleader for Home on behalf of respondent No.6, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

Contd..2..

You viz:

- 1.The Principal Secretary, Department of Industries and Commerce (Mines), State of A.P., Block No.3, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravati, Guntur District.
- 2.The Director of Mines and Geology, 5<sup>th</sup> and 6<sup>th</sup> Floors, Sri Anjaneya Towers, Ibrahimpatnam, Krishna District.
- 3.The Assistant Director of Mines and Geology,, HIG-94, RTO Office Road, Opp. Drinking Water Supply Office, Madhavadara, Vishakapatnam, Vishakapatnam District.
- 4.The Tahsildhar, Paravada Mandal, Vishakapatnam District.
- 5.The Village Revenue Officer, Ravada Village, Paravada Mandal, Vishakapatnam District.
- 6.The Station House Officer, Paravada Police Station, Vishakapatnam District.
- 7.The Surveyor (Mines), Ravada Village, Paravada Mandal, Vishakapatnam District.

are directed to show cause either appearing in person or through an advocate as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

**I.A. No. 1 of 2021 :-**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to direct the respondents herein to give interim custody of the vehicles of petitioner i.e., dumper lorries bearing Nos. AP26TF4634, AP26TF4635, AP26TF4639, TS02UB3379, TS02UB3380, TS02UB3401, pending disposal of WP No. 5207 of 2021, on the file of the High Court.

The Court made the following ORDER :

“Notice before admission.

This writ petition is filed seeking declaring the action of the 4<sup>th</sup> respondent i.e., the Tahsildar, Ravada Village, Paravada Mandal, Vishakapatnam District, in seizing 11 dumper lorries bearing Nos.AP39U9888, AP05TF1774, AP26TF4635, AP26TF4634, AP31TG3389, TS02UB3379, AP05TB9770, TS02UB3380, AP26TF4639, AP05TF1782 and TS02UB3401, as wholly illegal, arbitrary, without jurisdiction, without application of mind and violative of Articles 14, 19 and 21 of the Constitution of India and apart from being violative of principles of natural Justice and consequently direct the respondents herein to release the vehicles of the petitioner i.e., dumper lorries bearing nos.AP26TF4634, AP26TF4635, AP26TF4639, TS02UB3379 TS02UB3380 and TS02UB3401 and pass such other order or orders.

On 15.02.2021 the 3<sup>rd</sup> respondent's technical staff visited and inspected the subject area and as per their report, they have raised certain demands for violation of the conditions.

The contention of the learned counsel for the petitioner is that the petitioner company entered into works contract Agreement with M/s SBEC Private limited on 18.01.2020 for execution of works. Basing on the agreement entered into with M/s SBEC, the petitioner has been executing the works for the purpose of government works. The respondents have also issued temporary permits in favour of M/s SBEC Private Limited in exercise of the powers delegated under Rule 9(ii) of A.P. Minor Mineral Concession Rules, 1966. While the petitioner is excavating the minerals as per the agreement entered into with M/s SBEC, the 4<sup>th</sup> respondent has illegally seized the above mentioned vehicles and they have imposed Rs.67,431/- as penalty on the above mentioned 11 vehicles (at the rate of Rs.5940/- for each vehicle).

Contd....3..

In view of the above, there shall be a direction to the respondents to release the above mentioned vehicles on condition of the petitioner depositing penalty for each vehicle stipulated in the demand notice dated 17.02.2021.

Post after three (03) weeks.”

**U. SRIDEVI**  
**ASSISTANT REGISTRAR**

//TRUE COPY//

  
**SECTION OFFICER**

To

- 1.The Principal Secretary, Department of Industries and Commerce (Mines), State of A.P., Block No.3, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravati, Guntur District.
- 2.The Director of Mines and Geology, 5<sup>th</sup> and 6<sup>th</sup> Floors, Sri Anjaneya Towers, Ibrahimpatnam, Krishna District.
- 3.The Assistant Director of Mines and Geology,, HIG-94, RTO Office Road, Opp. Drinking Water Supply Office, Madhavadara, Vishakapatnam, Vishakapatnam District.
- 4.The Tahsildhar, Paravada Mandal, Vishakapatnam District.
- 5.The Village Revenue Officer, Ravada Village, Paravada Mandal, Vishakapatnam District.
- 6.The Station House Officer, Paravada Police Station, Vishakapatnam District.
- 7.The Surveyor (Mines), Ravada Village, Paravada Mandal, Vishakapatnam District.  
(Addressee Nos. 1 to 7 by RPAD along with a copy of Petition & Affidavit)
- 8.Two CCs to the G.P. for Mines & Geology, High Court of A.P., at Amaravati(OUT)
- 9.Two CCs to the G.P. for Revenue, High Court of A.P., at Amaravati(OUT)
- 10.Two CCs to the G.P. for Home, High Court of A.P., at Amaravati(OUT)
- 11.One CC to Sri Kilaru Nithin Krishna, Advocate(OPUC)
- 12.One spare copy.

TKK

# **HIGH COURT**

**DR.J**

**DT.09-03-2021.**

**NOTICE BEFORE ADMISSION**

**W.P.No. 5207 of 2021.**

**DIRECTION**

