



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3310]

THURSDAY ,THE THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 21446/2024

Between:

Sandu Sreeramulu

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.G N UMA RANI

Counsel for the Respondent(S):

1.GP FOR MINES AND GEOLOGY

The Court made the following:

WRIT PETITION NO: 21446/2024

Notice before admission.

Learned Government Pleader for Mines and Geology takes notice for
Respondent Nos.1 to 4.

For filing counters by the respondents, post the matter on 28.10.2024.

DR.K.MANMADHA RAO,J

I.A.No.01 of 2024

Heard Smt G.N.Uma Rani, learned counsel for the petitioner and the learned Assistant Government Pleader for Mines and Geology appearing for the respondents.

2. Perused the material available on record.

3. On hearing, learned counsel for the petitioner while reiterating the averments made in the writ petition submits that though the petitioner has submitted his explanation to the show-cause notice, dated 1906.2024 issued by the 4th respondent, without considering the same, the 4th respondent has issued the Demand Notice No.7508/M4/2000, dated 03.09.2024, imposing penalty against the petitioner, which is illegal and arbitrary, She further submits that, in similar circumstances, a batch of Writ Petitions were filed before this Court reported in **GSR Stone Crushers Vs. State of AP¹**, wherein it was held that the authorities of Mines Department cannot determine the culpability of the person said to be in violation of MMDR Act or APMMC Rules and levy a penalty and further held that it is only a Court of competent jurisdiction which go into these questions and levy penalties.

4. Per contra, learned Assistant Government Pleader appearing for the respondents submits that the 4th respondent has power to impose penalty and also having power to determine the culpability and therefore, the 4th respondent has issued the impugned Demand Notice, dated 03.09.2024. He

¹ 2023 (1) ALT 312 (AP)

further submits that this Writ Petition is not covered by a batch of writ petitions referred to above and hence, requests time to file counter.

5. Having regard to the facts and circumstances of the case and on considering the submissions of the learned counsel for the petitioner, the respondents are directed not to take any coercive steps against the petitioner pursuant to the show-cause notice No.7508/M4/2000, dated 19.06.2024 and Consequential Demand Notice No.7508/M4/2000, dated 03.09.2024 issued by the 4th respondent, till the next date of hearing.

DR.K.MANMADHA RAO,J

Dated 03.10.2024
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