

Chief Justice's Court

Case :- WRIT TAX No. - 1170 of 2023

Petitioner :- Sanjiv Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Anjali Singh, Gaurav Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Heard learned counsel for the petitioner and Shri Nimai Das, learned Standing Counsel for the State-respondents.

This writ petition has been filed seeking issuance of a writ of mandamus commanding the respondent No.2/Tehsildar, Tehsil Sikandarpur, district Ballia to decide the application of the petitioner dated 10.7.2023, filed against the undated R.C. Prapatra-36, pending before him expeditiously within the time frame fixed by this Court.

Undisputedly, petitioner has an alternative remedy of filing an application under Rule 18 of the Motor Vehicles Taxation Rules, 1998, however, without availing the said remedy, the petition has been filed.

Counsel for the petitioner submits that he is willing to avail the benefit of alternative remedy, however, his application may be dismissed holding it to be time barred and thereafter the concerned authority may be directed to entertain the application on merits and pass appropriate orders.

Counsel appearing for the State has no objection to the said proposition.

Accordingly, without expressing any opinion on merits of the case, the petition is ***disposed of*** permitting the petitioner to file application as provided under Rule 18 of the Motor Vehicles Taxation Rules, 1998 within three weeks from today. In the eventuality of doing so, the authority is expected to pass appropriate orders, in accordance with law, including, if any, application is filed for interim relief.

Order Date :- 12.10.2023

Ravi Prakash

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, CJ)