

HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.27732 OF 2008

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ORDER:- (per GC,J)

The writ petition is filed challenging the demand notice dated 16.12.2008, issued by the 2nd respondent, imposing the tax of Rs.2,625/- on the ground the petitioner has committed certain irregularities while running his contract carriage vehicle bearing No.A.P.25U-0917.

Heard Sri B. Chandrasen Reddy, learned counsel for the petitioner and the learned Government Pleader for Transport (T.G.).

This Court while ordering Rule nisi, passed an interim order in W.P.M.P.No.36343 of 2008, directing the 2nd respondent to release the vehicle of the petitioner on a condition of the petitioner depositing an amount of Rs.42,000/- and on further condition that the petitioner shall furnish an undertaking not to alienate the vehicle in question pending further orders.

Learned counsel for the petitioner submits that the demand notice issued by the 2nd respondent is contrary to the provisions of the Motor Vehicles Act, 1989 (for short, "the Act") and the Rules framed thereunder. He further submits that the petitioner is not liable to pay the tax as imposed by the 2nd respondent in the impugned demand notice as it was issued to contrary to G.O.Ms.No.332 dated 13.11.2008 of Transport, Roads & Buildings (TR.1) Department. Learned counsel further submits that the State of Andhra Pradesh has revised the provisions about the compounding fee to be collected under Section 86(5) of the Act, and stated that if the vehicle is consisting of above 13 seats, is not authorized by the permit of contract carriage, then the compounding fee will be Rs.2,500/- and Rs.100/- for carrying every excess

passenger. He further submits that when the demand notice was issued, the petitioner submitted a representation dated 11.12.2008 to the 2nd respondent under Section 207(2) of the Act and the Rules made thereunder seeking release of Idle contract carriage bus bearing R.No.A.P.No.25U 0917, but the 2nd respondent did not dispose of the same so far. Hence, he prays to allow the writ petition.

Learned Government Pleader for Transport (T.G) submits that in compliance of the interim orders granted by this Court, the petitioner had paid the tax and got released his vehicle and hence no further orders are required to be passed in the application of the petitioner and prays for dismissal of the writ petition.

Having regard to the facts and circumstances of the case and especially in view of the interim orders passed by this Court, the vehicle of the petitioner was released and this is a matter of 2008, we are not inclined to go into the merits of the case and disposing the matter with a direction to the respondents to dispose of the representation dated 11.12.2008 of the petitioner, if it is not already disposed of, within a period of two months from the date of receipt of copy of this order.

With the above observations, the writ petition is disposed of. No orders as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

G. CHANDRAIAH,J

Date:29.09.2015.

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HON'BLE SRI JUSTICE G. CHANDRAIAH

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