HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.24965 of 2003

Date:16.09.2015

Between:
Smt. K. Padma,
R/o. Veler,
Dharmasagar Mandal,
Warangal District.

… Petitioner

And

Regional Transport officer,
Warangal.

… Respondent

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PC: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Petitioner, in the present writ petition, seeks the following relief:

> "For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ of Certiorari or any other writ, order or direction, calling for the records from the respondent herein and quash the demand notice dt. 26-5-2003 in R. No. 1404/A3/2003, demanding Tax and penalty in respect of bus bearing No. T.N.33/N-0450."

This Court on 28.11.2003, while admitting the writ petition, passed the following order:

> "Interim suspension on condition of the petitioner depositing Rs.1,35,000/- (Rs. One Lakh Thirty Five Thousand Only) which is the tax component.
>
> On such deposit as directed by this Court, the respondent shall release the vehicle of the petitioner on furnishing an undertaking not to alienate or create a third party interest, pending disposal of W.P.
>
> For counter- post after four weeks."

Learned counsel for the petitioner submits that as per the order dated 28.11.2003, petitioner paid the tax component and in so far as penalty is concerned, he submits that the petitioner desires to file an appeal challenging that part of the demand under Section 12 of Motor

Vehicles Taxation Act.

Learned counsel appearing for the respondent has no objection for granting such liberty.

Hence, the writ petition is disposed of with liberty to the petitioner to challenge only penalty demanded by the respondent in respect of bus bearing No. T.N.33/N-0450. If any such appeal is filed, we hope and trust that the same shall be considered in accordance with law.

Insofar as, tax component is concerned, since it has already been deposited by the petitioner, the same may be appropriated towards the tax demanded vide notice dated 26.5.2003. If the appeal is not filed within a period of four weeks from today, it is open to the respondent to recover penalty from the petitioner in accordance with law.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

A. RAJASHEKER REDDY

16th September, 2015

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