

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 5270 of 2005

Dt:25.11.2015

Between:

Smt.N.Sulochana.

... Petitioner

And

The Deputy Transport Commissioner & Secretary.

... Respondent

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 5270 of 2005

ORDER: (per the Hon'ble Sri Justice S.V.Bhatt)

Heard learned counsel for the petitioner and Smt.A.Supriya, learned Assistant Government Pleader for the respondent.

The admitted facts and circumstances of the case are that the vehicle bearing No. AP 36 V 5790 was inspected on 18.12.2004. From the check report, it transpired that the vehicle is used as contract carriage. The petitioner filed W.P.No.2210 of 2005 to consider and dispose of the representation filed

by her for release of the vehicle seized by the respondent. The said writ petition was disposed of on 10.02.2005. The petitioner on 24.02.2005 requested the authorities for release of the vehicle and incidentally, brought to their notice that the vehicle was used as a school bus.

Having regard to the admitted position, show cause notice, dated 03.03.2005, was issued to the petitioner and the petitioner was called upon to produce documentary evidence including the permissions obtained from the authorities for running the bus as a school bus. The petitioner did not produce any material. Thereafter, impugned Memo No.890/B4/2005, dated 05.03.2005, was issued.

We have perused the impugned Memo. We are satisfied that the petitioner failed to prove that under valid authority and permission from Transport Department the subject vehicle was being used as a school bus and vehicle tax is paid as per use of vehicle. The petitioner failed to make out a case for interference by this Court or failed to demonstrate how the impugned order is unsustainable.

We do not see any illegality or irregularity in the impugned Memo.

The writ petition is accordingly dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:25.11.2015

kdl

