

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition Nos.39699, 39702 and 39807 of 2015

Date:22.12.2015

Writ Petition No. 39699 of 2015

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Between:

Kadapa Rajamma,
Padmavathipuram,
Tirupathi,
Chittoor District.

Petitioner

And

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Home Department,
Hyderabad and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition Nos.39699, 39702 and 39807 of 2015

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

Heard learned counsel for the petitioners and Mr. B. Devanand, learned Government Pleader for Transport for the respondents.

In these writ petitions, the prayer made by the petitioners is identical. The prayer made in Writ Petition No. 39699 of 2015 reads thus:

"It is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in seizing and detaining the newly manufactured Vehicle-Omni Mini bus bearing its Trade Certificate Registration No. TS15 TC 87 pursuant to the Vehicle Check Report No. A1648567, dated 25.7.2015 of the 4th respondent and its consequential show cause notice issued by the 2nd respondent dated 7.8.2015 as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the Petitioner herein, forthwith, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

Learned counsel for the petitioners, on instructions, submits that the petitioners, without prejudice to their rights and contentions, shall, deposit the entire amount as demanded by the respondents within a period of one week from today and shall also file reply to the show cause notices dated 7.8.2015 and 28.9.2015, within a period of two weeks from today. He further submits that the respondents may be directed to release the vehicles on payment, as aforementioned being made, and further direct the 2nd respondent to decide the show cause notices within

a time frame.

Learned Government Pleader submits that if the amount of tax and the penalty, if any, is paid by the petitioners, they shall release the vehicles forthwith. He further submits that if the show cause notices are replied by the petitioners within a period of two weeks from today, they shall also decide the same on merits, in accordance with law, expeditiously.

In the circumstances, we dispose of these writ petitions by the following order:

“1. The petitioners shall deposit the entire amount of tax and the penalty, if any, within a period of one week from today. On such payment being made by the petitioners, the respondents shall release the vehicles forthwith.

2. The petitioners are allowed to submit their reply to the show cause notices within a period of two weeks from today. The

2nd respondent shall decide the show cause notices, as expeditiously as possible and preferably within a period of eight weeks from the date of presentation of the reply to the show cause notices, on merits, in accordance with law. All contentions of the parties on merits are kept open.”

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

22nd December, 2015

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