

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 27433 OF 2007

19.11.2015

Between:

The Chennai Tourist Car Operators Association,

Rep. by its Secretary,

Chennai.

... Petitioner

And

The State of A.P.,

Rep. by its Secretary,

Transport Department,

Secretariat, Hyderabad, and others.

... Respondents

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ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the petitioner and learned Government Pleader for Transport for the respondents.

The petitioner-association, in the instant writ petition, has made the following prayer:

“It is therefore prayed that this Hon'ble court may be pleased to issue writ or writs or direction/s more particularly in the nature of writ of Mandamus by declaring G.O.Ms.No.140, T, R & B (Tr.II) dt 12.08.2002 and as modified vide G.O.Ms.No.95, Tr. & B (Tr.II) dt 23.6.03, in so far as collection of tax for maxi cabs at Rs.220/- per seat for 7 days is concerned, as illegal, arbitrary, unconstitutional and violative of Articles 14 & 19(1)(g) of the Constitution of India.”

The respondents have filed counter affidavit and in paragraph 6 thereof, they have categorically stated that G.O.Ms.No.140 dated 12.08.2002 and G.O.Ms.No.95 dated 23.06.2003 have no application to the vehicles plying from contiguous State. In other words, they have stated that G.O.Ms.Nos.140 and 95 challenged in the writ petition have no relevance or application to the facts of the present case.

In view thereof, learned counsel for the petitioner does not press this writ petition and seeks liberty to the members of the association or the association to take appropriate remedy if the circumstances so demand.

Writ Petition is disposed of as not pressed with liberty as prayed.

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

19.11.2015

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