

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.10279 of 2015

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ORDER:

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

The petitioner states that its vehicle bearing No.MH503400 together with the machinery is stated to have been seized by the 3rd respondent under vehicle check report No.2395735, dated 28-03-2015 on the ground that the petitioner has not paid life tax in Telangana State as per Section 8 of the A.P.Motor Vehicles Act. The petitioner states that it has sent an application under Section 207 (2) (2) of the Motor Vehicles Act, 1988 read with Rule 448 (A) and (B) of the A.P.Motor Vehicles Rules, 1989, to the 2nd respondent on 04-04-2015 seeking release of the vehicle in question. Alleging that no action is taken on the said application, the present writ petition is filed.

The issue raised in this writ petition is similar to W.P.Nos.7325 and 7370 of 2015, which were disposed of by this Court on 20-03-2015.

In view of that, this writ petition is also disposed of in terms of W.P.Nos.7325 and 7370 of 2015, dated 20-03-2015, with the following directions.

- i. The petitioner is directed to approach the 2nd respondent by making appropriate applications seeking release of its vehicle, subject to payment of tax till the end of the relevant quarter, as per the tax determined in the respective cases, except penalty component, as well as producing the fitness and insurance certificates and also the proof of payment of tax in Maharashtra State.
- ii. The petitioner shall give appropriate undertaking to the effect that it would produce the vehicle as and when required by the 2nd respondent and would not alienate or shift it outside Telangana State till completion of enquiry.

- iii. Thereafter, the 2nd respondent shall release the vehicle and also take up appropriate enquiry after giving opportunity to the petitioner to substantiate its defence as against the allegations appearing in the Vehicle Check Report and determine the correctness or otherwise of the Check Report and pass appropriate final orders thereon. The release of the vehicle, as ordered, therein, shall be subject to the final orders to be passed by the 2nd respondent.

There shall be no order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 15-04-2015

Note:

Issue C.C. in two days

(B/o)

Prv

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15-04-2015