IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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Writ Petition No. 22898 of 2015

Between:

Moiz Mohd,

…Petitioner

and

The State of Telangana, rep. By its Principal Secretary, Transport Department, Secretariat Buildings, Hyderabad and others

...Respondents

Dated 23-07-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.V. SESHA SAI

1. Whether Reporters of Local newspapers may be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be marked to Law Reporters/Journals ? Yes/No

3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE A.V. SESHA SAI

Writ Petition No.22898 of 2015

ORDER:

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

The petitioner's vehicle bearing No.AP-09-X-6317 is said to have been seized by the 3rd respondent on 25-02-2015 on the ground of non-payment of quarterly tax, etc. The petitioner filed an application under Rule 448(b) of the A.P. Motor Vehicles Rules (for short 'the Rules') before the 2nd respondent, seeking release of the said vehicle, but no action has been taken. Subsequently, the 3rd respondent has indicated certain arrears of tax.

It is evident that as per Rule 448-B of the Rules, the application for release of the vehicle can be made under Section 448(b) of the Rules, where a vehicle is seized and detained under Sub-Section (1) of Section 207 of the A.P. Motor Vehicles Act. Since the detention of the vehicle is under Sub-Section (1) of Section 207 of the Act, there is no reason why the release cannot be considered under Rule 448(b) of the Rules. Moreover, to the extent of arrears of quarterly tax is concerned, the petitioner is willing to pay the said quarterly tax, and so far as penalty is concerned, the petitioner states that if the penalty is determined, he will have a right of appeal to the extent of penalty.

In the circumstances, therefore, following the decision of this Court passed in W.P.No.3368 of 2015, dated 18-02-2015, the writ petition is disposed of, directing the 2nd respondent to assess the

quarterly tax arrears payable by the petitioner and permit release of the vehicle, subject to the condition of the petitioner paying quarterly tax arrears, within three days from the date of receipt of a copy of this order. However, the assessment proceedings may
go on, but however, the penalty imposed on the petitioner shall not be recovered for a period of 30 days, as the petitioner has an opportunity to prefer an appeal against imposition of penalty.

The miscellaneous petitions, if any, filed in the writ petition shall also stand disposed of.

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A.V. SESHA SAI, J.

Dt.23-07-2015.

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