THE HON'BLE SRI JUSTICE A. RAJASHEKHER REDDY

WRIT PETITION No.6253 of 2015

-

Between:

Sardar Punit Singh

PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Transport, Roads & Buildings Department, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed to declare the proceedings issued in R.No.552/B5/2015, dated 07.03.2015, as illegal and arbitrary, and consequently to direct the 2nd respondent to release the petitioner's vehicle bearing No.AP 29 V 6516.

The petitioner stated to have purchased Volvo Bus bearing No.AP 29 V 6516 from its original owner M/s. Sai Tours Travels in the month of January, 2015. It is his case that the vehicle was sent to mechanic shed and after completion of repairs on 24.02.2015, when the vehicle was on trial run, the same was seized by the 3rd respondent vide vehicle check report No.118787 alleging that the documents of the vehicle are not produced and there is no proof of tax payment. The petitioner said to have made an application before the 2nd respondent under Rule 448(b) of the Motor Vehicles Rules along with all other relevant documents requesting him to release the vehicle pending enquiry. But the 2nd respondent without considering his application, passed the impugned proceedings in R.No.552/B5/2015, dated 07.03.2015 while returning his application, directed him to pay the tax and penalty of Rs.2,57,250/- along with the compounding frees. Hence the present writ petition is filed.

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

This Court in similar circumstances, in W.P.No.5497 of 2015 dated 6.03.2015 while directing the petitioner to pay the tax held that the penalty imposed on the petitioner shall not be recovered, till enquiry is completed after issuing notice. In the case on hand the petitioner is willing to pay the tax and the compounding fees as determined in the impugned proceedings.

In view of the same, the writ petition is disposed of directing the 2nd respondent to release the vehicle of the petitioner on payment of tax and the compounding fees as determined in the impugned proceedings, but he shall not insist the petitioner for payment of penalty. However, the penalty shall be recovered after issuing show cause notice and completion of enquiry by following due process of law. The petitioner also directed to produce all the relevant documents before the 2nd respondent in proof of ownership of vehicle. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKHER REDDY, J.

12th March, 2015
Js.

Note: Issue C.C. tomorrow