

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.12171 OF 2015

DATED:24.4.2015

Between:

M. Veeranjanyulu

... Petitioner

And

The State of Andhra Pradesh

Rep. by its Principal Secretary

Transport Department

Secretariat

Hyderabad

and another ... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.12171 OF 2015

ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

Learned Government Pleader for Transport submits that the matter may be closed without asking for counter affidavit in this matter.

The writ petitioner has impugned the order passed by the second respondent Deputy Transport commissioner while dealing with the explanation offered by the writ petitioner in connection with the show cause notice dated 29.1.2015.

We notice that the impugned order does not record any reason as to why explanation given by the writ petitioner was not accepted or for that matter unsatisfactory. We cannot uphold the order.

We therefore set aside the impugned order and direct the Deputy Transport Commissioner to give notice to the petitioner intending to provide a fresh hearing to him. Without being influenced by the earlier decision, the Deputy Transport Commissioner shall examine the explanation offered by the petitioner and shall record reasons as to why such explanation is not acceptable. If the explanation is acceptable, obviously appropriate order shall be passed. This exercise shall be completed within a period of one month from the date of communication of this order.

This order shall be operative provided the petitioner deposits the tax component with the Deputy Transport Commissioner and furnish an indemnity bond securing the penalty component within two weeks from date, failing which this order need not be carried out and the order impugned herein will stand restored and the writ petition will stand dismissed in that case.

The writ petition is accordingly closed.

Pending miscellaneous petitions, if any, shall also stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

24.4.2015

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