

HIGH COURT OF CHHATTISGARH, BILASPUR

WPT No. 31 of 2016

Abdul Shafique S/o Shri Adbul Hakeem, Aged About 53 Years By
Occupation Bus Operator, R/o Near Sahara Battery, Moudhapara,
Raipur (Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Principal Secretary,
Government Of Chhattisgarh, Transport Department, Secretariat,
Mahanadi Bhawan, New Raipur (Chhattisgarh).
2. The Transport Commissioner, Transport Department, Indrawati
Bhawan, New Raipur, Distt. Raipur (Chhattisgarh)
3. The Regional Transport Authority, Raipur District Raipur
(Chhattisgarh)
4. The Regional Transport Officer/ Taxation Authority/ Registration
Authority, Raipur (Chhattisgarh)
5. Sher Singh Gidwani, S/o Shri Fundraj Gidwani, R/o Netaji Chouk,
Katora Talab, Raipur (Chhattisgarh)

---- Respondents

For petitioner – Shri Brajesh Dubey and Shri Anand Dadariya, Advocate.
For Respondent/State –Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/03/2016

1. The instant petition is against the notice dated 17/12/2015
Annexure P-5 wherein petitioner has been served with a notice and was
directed to appear before the authority on 28/12/2015.
2. Learned counsel for the petitioner would submit that petitioner has
given the vehicle on lease to respondent No.5 Sher Singh Gidwani who
was running the vehicle and as such he being in possession of the
vehicle, he was liable to pay the tax.
3. Petition as appears is against only the notice which has been
served that too in the month of December, 2015. Learned counsel for the
petitioner is unable to submit any fact as to whether petitioner was

represented on 28/12/2015 before the authorities pursuant to notice and outcome thereof. Since petition is filed to quash Annexure P-5 which is only a notice wherein petitioner was required to appear before the authority on 28/12/2015 and further taking into fact that petitioner is not able to substantiate before the court as to what transpired on 28/12/2015. Apparently, it appears that petition is premature and further even assessment are made, remedy is provided to file an appeal under Section 20 of the Chhattisgarh Motoryan Karadhan Adhiniyam.

4. In view of the above, I am not inclined to entertain this petition at this stage. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE