

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.548/2016

Saiyad Sajid Ali

...Versus...

State of Maharashtra, through its Secretary, State Transport Authority,
Maharashtra State, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.D. Khade, Advocate for petitioner
Shri N.R. Rode, AGP for respondent nos.1 to 3

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 26.07.2016

By this writ petition, the petitioner seeks a declaration that the respondents have no authority in law to levy and demand the passenger tax @ 70% load factor of the seating capacity of the passenger vehicle.

Shri Khade, the learned Counsel for the petitioner states that the issue involved in this case was also involved in several writ petitions, that were decided at the Aurangabad Bench and the Division Bench has, by a common judgment, dated 11.3.2016 in Writ Petition No.4098/2014 and others, allowed the writ petitions and declared that the respondents have no authority in law to levy and demand the passenger tax @ 70% load factor of the seating capacity of the passenger transport

vehicle. It is stated that since the issue involved in the decided cases and this case is identical, this Court may pass a similar order in this case also.

Shri Rode, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 to 3 fairly admits on a reading of the judgment rendered by the Division Bench of this Court at Aurangabad on 11.3.2016 that the issue involved in the decided cases and the present case is the same.

Hence, for the reasons recorded in the judgment, dated 11.3.2016 in a bunch of writ petitions bearing Writ Petition No.4098/2014 and others, we allow this writ petition. Since the respondents have no authority to demand the passenger tax, it would be necessary for the State Government to appropriate the amount, that is, deposited by the petitioner as per our interim orders, towards the tax that would be liable to be paid by the petitioner, in future. We direct the respondents to take suitable action, as is directed in paragraph 12 of the judgment, dated 11.3.2016 in Writ Petition No.4098/2014 and others.

In the circumstances of the case, there would be no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of original signed order.

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