THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.44613 OF 2016

Dated:29.12.2016

Between:

V. M. Laxmi Vimala, W/o. Rama
Subba Reddy, aged about 50 years,
R/o.D.No.26/885, Guruvaiah Thota,
Proddatur Town, Kadapa District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Transport Department,
Secretariat at Velagapudi,
Amaravathi, Guntur District and others .. Respondents

The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Heard. With the consent of learned counsel for the parties, the Writ Petition is being disposed of at the stage of admission.

2. The petitioner alleges that her passenger transport vehicle was under hypothecation with the Hinduja Leyland Finance Limited and alleging that she did not pay the amounts due to it, the vehicle was seized on 28.05.2015. She further alleges that the vehicle was released on 02.03.2016 after settlement of the amounts due to the said company. The claim of the petitioner is that during the period the vehicle was under seizure by the financier, as the vehicle was not in operation, she is not liable to pay the road tax as demanded by the respondent – Authority. However, the Licensing Officer, Regional Transport Authority, Proddatur, the 5th respondent, issued demand notice, dated 11.04.2016, to pay the total tax and penalty from 01.07.2015 to 31.03.2016. Hence, this Writ Petition.

3. Learned counsel for the petitioner submits that the Transport Commissioner, Hyderabad, the 2nd respondent, issued Memo No.10489/R2/2003, dated 28.08.2003, holding that Licensing Officer should not demand tax in respect of the vehicles seized by the financial institutions for default of payment and therefore the demand notice issued to the petitioner is *ex facie* illegal.

4. Learned Assistant Government Pleader for Roads and Buildings, on instructions, submits that the Memo, dated 28.08.2003, is in force and the competent authority shall follow the orders issued by the 2nd respondent with reference to the demand for payment of tax for the relevant period.

5. Having regard to the said submission, the Writ Petition is disposed of directing the competent authority not to demand tax till a decision is taken as to whether the petitioner is entitled to seek exemption from levying of tax for the period from 01.07.2015 to 31.03.2016. A decision to this extent shall be taken after consideration of the representation, dated 11.04.2016, submitted by the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. However, the petitioner is directed to pay tax for the subsequent period within two weeks. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:29.12.2016

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