

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Writ Petition No.13042 of 2010

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The vehicle check report dated 26.5.2010 records that the subject vehicle was proceeding from Srikalahasti near Tirupathi with 55 passengers; on enquiry with the occupants, it was found that the occupants had boarded the bus at Tirupur; some of them had boarded the bus at Coimbatore; they had paid different individual fares as per the written statements; one of the passengers had produced the ticket issued by Priyadarshini Travels, Tirupathi, dated 14.3.2010, and had boarded the bus on 24/3 for a single route journey; the vehicle, as a whole, was not engaged as the persons travelling in the vehicle did not belong to a single party; there was no contract at the time of checking the vehicle; the vehicle was found plying as a stage carriage between Coimbatore to Tirupur and Tirupathi without payment of tax; and, hence, the vehicle was being seized.

Pursuant to the interim order passed in W.P.M.P. No. 16434 of 2010 dated 10.6.2010, the vehicle was released on the petitioner depositing 50% of the tax due, and furnishing an undertaking to the effect that he will not alienate or transfer the vehicle.

Sri V. Nitish, learned counsel for the petitioner, would contend that the vehicle was a contract carriage, and the facts recorded in the vehicle check report are false. In judicial review proceedings, under Article 226 of the Constitution of India, this Court would not undertake an examination of disputed questions of fact. The vehicle check report records that the passengers had boarded the bus from different places, and had produced tickets

from different travel agencies. If the contents of the vehicle check report are true, the vehicle was evidently plying not as a contract carriage, but as a stage carriage vehicle, in which event, the respondents are justified in levying tax on the petitioner. We see no reason, therefore, to interfere with the order in writ proceeding under Article 226 of the Constitution of India.

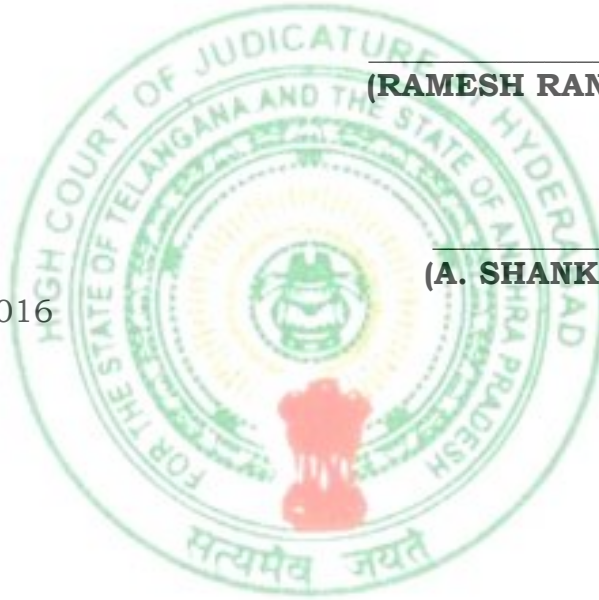
The writ petition fails and is, accordingly, dismissed. However, in the circumstances without costs. The miscellaneous petitions pending, if any, shall also stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(A. SHANKAR NARAYANA, J)

7th December, 2016

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