

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.27038 of 2016

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Transport (Telangana) for respondents.

2. This Writ Petition is filed by the owner of vehicle bearing No.AP-04-BD-6193 which was seized by respondent nos.2 and 3 on the ground that the vehicle belongs to the Andhra Pradesh State, and tax and penalty is payable in the State of Telangana. The said vehicle is stated to be engaged in the pipeline work at Warangal for three months.

3. Both sides counsel agree that in a similar matter in W.P.No.30510 of 2014, this Court passed orders on 14.10.2014, and the said judgment is applicable to this matter also.

4. Therefore, the Writ Petition is accordingly disposed of with the following directions :

(1) The petitioner is directed to approach the 3rd respondent by making appropriate application seeking release of his vehicle subject to payment of tax till the end of relevant quarter, as per the tax determined in the respective cases, except penalty component, as well as producing the fitness and insurance

certificates and also the proof of payment of tax in Andhra Pradesh;

(2) The petitioner shall give appropriate undertaking to the effect that he would produce the vehicle as and when required by 3rd respondent, and would not alienate or shift them outside Telangana State till completion of enquiry; and

(3) Thereafter, the 3rd respondent shall release the vehicle and also take up appropriate enquiry after giving opportunity to petitioner to substantiate his defence as against the allegations appearing in the Vehicle Check Report and determine the correctness or otherwise of the Check Report and pass appropriate final orders thereon within a period of three (03) months. The release of the vehicle, as ordered, therein, shall be subject to the final orders to be passed by 3rd respondent.

5. No order as to costs.

6. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 14-09-2016

Note : Issue C.C. day after tomorrow.

B/o.

Ndr/*