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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 10455 OF 2016

07-04-2016

Between:

Syed Abdul Aleem

... Petitioner

And

The State of A.P., rep., by the Principal Secretary,
Transport Department,
A.P Secretariat, Hyderabad and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT PETITION No. 10455 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioner, in the instant writ petition, seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not releasing the petitioner's Contract Carriage Vehicle bearing R.No. AP 27 Y 6000 which was seized under vehicle Check Report No.046082, dated 21/03/2016 by the 3rd respondent, as per law laid down by the Hon'ble High Court as illegal, arbitrary, unjust and consequently direct the 2nd respondent to forthwith release the petitioner's Contract Carriage vehicle R.No. AP 27 Y 6000 without insisting for higher rate of tax in the interest of justice and grant such other necessary relief or relief's as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Sri Rajanikanth Jwala, learned counsel for the petitioner submits that the petitioner may be given liberty to file an appeal under Section 12 of the Andhra Pradesh Motor Vehicles Taxation Act, 1963 (for short 'the Act') and that the petitioner is prepared to deposit 50% of the amount, which according to the respondents, he is liable to pay, within a period of three days from today. He further prays for release of

vehicle after filing of the appeal and depositing 50% of the amount, as aforementioned, subject to outcome of the appeal.

Learned Government Pleader has not seriously opposed the prayer made by the petitioner. Hence, we dispose of this writ petition by the following order:

“It is open to the petitioner to file an appeal under Section 12 of the Act, as aforementioned, and to deposit 50% of the amount, which according to the respondents, he is liable to pay towards Andhra Pradesh State Tax, within a period of one week from today.

On the petitioner depositing 50% of the tax and filing the appeal, as aforementioned, the concerned authority shall release the vehicle subject to condition that he shall produce the vehicle as and when required. If the order passed in the appeal is adverse to the petitioner, he shall deposit the remaining 50% amount within a period of four weeks from the date of decision, subject to his right to challenge the said order in appropriate proceedings. It is needless to mention that the petitioner shall not part with the vehicle till disposal of the appeal that he proposes to file and in any case, before the issue of tax is settled. All contentions on merits are kept open.”

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

Date: 07-04-2016

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Note: Furnish urgent copy.

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