

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

-
WRIT PETITION No.13068 OF 2006

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

Heard Sri P. Jagdishchandra Prasad, learned counsel for the petitioner and the learned Government Pleader for Transport and, with their consent, the writ petition is disposed of. The proceedings under challenge in this writ petition is a demand notice dated 17.6.2006 whereby the petitioner was directed to pay Rs.37,915/- for the period from 01-04-2016 to 30-06-2016 in respect of the subject vehicle within ten days from the date of receipt of the demand notice.

While passing an interim order on 3.7.2006, a Division Bench of this Court noted that the order does not disclose as to what were the irregularities alleged to have been committed by the petitioner; it did not advert to the explanation offered by the petitioner, though there was a mention in the order that an explanation was received by the author of the order; no reasons or conclusions were reached by the authority; and the order was contrary to law. The only reason why the writ petition was not allowed was that the respondents were required to be heard in the matter.

In reply to the show cause notice dated 12.6.2006, the petitioner appears to have submitted an explanation on 15.6.2006 requesting the authorities to release the vehicle by not insisting on the show cause notice amount of Rs.37,915/-, and compounding fee of Rs. 2,500/-. Yet in the order of demand dated 17.6.2006, the Licensing Officer, while acknowledging receipt of the explanation submitted by the registered owner to the show cause notice, observed that the same could not be considered by the Checking Officer. He directed the registered owner to pay Rs.37,915/-, for the period from 01-04-2006 to 30-06-2006, in respect of the subject vehicle.

As a show cause notice was issued to the petitioner on 12.6.2006 calling upon her to submit her written explanation within seven days, and the petitioner submitted her explanation on 15.6.2006, the 1st respondent was obligated to consider the said explanation, and to pass a reasoned order thereupon in accordance with law. Surprisingly, the 1st respondent, despite having acknowledged receipt of the explanation

submitted by the petitioner, chose not to consider the explanation and insisted that the petitioner pay tax of Rs.37,915/-.

The impugned order dated 17.6.2006 is in violation of principles of natural justice. Having sought for an explanation, the 1st respondent was duty bound to consider the explanation and pass a reasoned order in accordance with law. The impugned order is set aside on this short ground. The respondent shall, at the earliest, consider the explanation submitted by the petitioner, and pass a reasoned order afresh in accordance with law.

The writ petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

26th August 2016

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Date: 26.08.2016

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