

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41585 OF 2016

DATED : 30.11.2016

Between :

Ram Chander Rathlavath S/o.Chatriya,
Aged about 41 yrs, Occu : Business,
R/o.LIG-184, Housing Board, Jadcherla,
Mahabubnagar District, Telangana.

..

Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Transport Department,
Secretariat, Hyderabad & others.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41585 OF 2016

ORDER :

In this writ petition the petitioner challenges the seizure of Eicher Mini Bus No.AP 24 TA 5132 by the 4th respondent.

2. When the matter is taken up for consideration, learned Government Pleader raised objection on the maintainability of the writ petition on the ground that Section 12 of the Andhra Pradesh Motor Vehicle Taxation Act, 2012 (for short 'the Act') provides for appeal and without availing the remedy of appeal, this writ petition is filed.

3. This Court has been consistently holding that remedy of appeal created under Section 12 of the Act is effective and efficacious. A person cannot directly invoke the jurisdiction of the Writ Court without availing the remedy of appeal. It is not the case of the petitioner that the remedy provided under Section 12 of the Act, is not efficacious remedy. Infact the affidavit is silent as to why the petitioner has not availed the said remedy.

4. Having regard to the above, the Writ Petition is dismissed leaving it open to the petitioner to avail the remedy of appeal under Section 12 of the Act. It is also open to the petitioner to file an application for condonation of delay in filing the appeal. As and when such application is filed, the authority concerned shall consider the same objectively. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

30th November, 2016
Rds