

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3009 OF 2016

ORDER:

This writ petition was filed aggrieved by the memo dated 18.01.2016 issued by the Regional Transport Officer, Khammam, whereby the petitioner was called upon to deposit a sum of Rs.77,930/- towards difference of tax and compounding fee of Rs.7,225/-. He was also required to submit an undertaking that he would not alienate the vehicle or subject it to any encumbrance. This order was in consequence of the directions of this Court in W.P.M.P.No.53686 of 2015 in W.P.No.41587 of 2015. The grievance of the petitioner is that the afore-stated memo was issued without giving him an opportunity of hearing.

Though there is a dispute as to why the petitioner was not given an opportunity of hearing, learned Government Pleader for Transport fairly conceded that the impugned memo was, in fact, issued without hearing the petitioner.

As Sri A. Jagan, learned counsel for the petitioner, would contest the quantum of the tax sought to be imposed upon the petitioner as a condition precedent for release of the vehicle and as the petitioner had no opportunity to put forth his case before the authority, this Court is of the opinion that the interests of justice would be adequately served by keeping the impugned memo dated 18.01.2016 in abeyance and directing the Regional Transport Officer, Khammam, the third respondent, to give an opportunity of hearing to the petitioner within three days from today, consider his stand in terms of the quantum of tax that could be levied and pass an order either confirming, modifying or canceling the impugned memo dated 18.01.2016. It shall be open to the petitioner to place his stand before the authority by way of written submissions. Pursuant to the hearing and the action taken thereon as indicated supra, the vehicle of the petitioner shall be released upon compliance with the terms and conditions as imposed.

The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

1st February, 2016

Note:-

Issue CC today.

B/o

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