

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.3436 of 2009

ORDER:

This writ petition is filed for the following relief:

“..to issue a writ, in the nature of a Writ of Mandamus or any other appropriate Writ, Order or direction to declare the action of the respondent and its subordinates in levying compounding fee on the spot by issuing check reports and collecting the amount forcefully from the drivers of the petitioners' vehicles bearing Registration Nos. bearing Nos.AP.02/W.1133; AP.02/W.1155; AP.02/W.1122 and AP.02/W.1144, without the knowledge of the petitioner/permit holders is contrary to Rule 216 and 217 of A.P.Motor Vehicles Rules, 1989, as arbitrary, illegal, one without authority, unconstitutional, oppressive, coercive and violative of Articles 14, 16 and 19(1)(g) of the Constitution of India, and consequently direct the respondents and their subordinates not to harass the drivers of the petitioners/permit holders vehicles by compelling them forcefully to pay the compounding fee on the spot and seize the vehicles without notice to the permit holders; and pass such other order or orders in the interest of justice.”

This Court passed an interim order on 20.02.2009 based on the orders passed in W.P.Nos.12313 and 17678 of 2008 and those writ petitions were subsequently disposed of by this Court on 09.07.2014 allowing the writ petitions.

In view of the same, this writ petition is also allowed in terms of the order passed by the Division Bench in **S.Sadasiva Shetty & another v. Government of Andhra Pradesh, rep. by**

Secretary, Transport, R&B (Tr.II) Department, Hyderabad

(W.P.No.9936 of 1995 dated 23.11.1995) and the amount collected towards compounding fee shall be returned and if any bank guarantee is furnished for the said purpose, the same shall be discharged. No costs.

Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

A. RAMALINGESWARA RAO, J

Date: 01.03.2016

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