

HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16267 of 2016

ORDER: (*per Hon'ble Sri Justice Sanjay Kumar*)

The prayer of the petitioner in this case is as under:-

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of third respondent in seizing the JCB having Chasis No.HAR3DXSSC01872841 under Vehicle Check Report No.1456416, dated 02.5.2016 and directing the petitioner to pay life time tax for the said vehicle in the State of Telangana also for release of the same, as being illegal, arbitrary and is in violation of principles of natural justice and fair play apart from being in violation of Articles-14 and 21 of the Constitution of India and consequently, direct the respondents herein to release the same to the petitioner forthwith and pass such other order or orders as are deemed fit and proper .”

As the petitioner has not chosen to approach the transport authorities concerned seeking release of his vehicle and as he is yet to place evidence of his having paid lifetime tax for the subject vehicle in the State of Rajasthan, as claimed by him, before such authorities, the Writ Petition is disposed of permitting the petitioner

to make an appropriate application before the appropriate authority concerned seeking release of his vehicle with all the supporting material. In the event such an application is filed, the authority shall consider the same in accordance with law and take an appropriate decision. In the event the authority permits release of the vehicle, it shall be open to such authority to impose suitable conditions including payment of proportionate tax and also furnishing of an undertaking by the petitioner that he shall not alienate or encumber the vehicle pending further enquiry, if any.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE S.V.BHATT

12th May 2016

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