

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5306 OF 2017

Pradeep Sharma

.. Petitioner

VS.

The State of Maharashtra and others

.. Respondents

Mr. P.F. Patni, Advocate for the petitioner
Mr. A.R. Kale, A.G.P. for the respondent/State

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 16-06-2017

ORAL ORDER :

1. The notice of demand within the meaning of the Maharashtra Motor Vehicles (Taxation of Passenger) Act, 1958 (for short “**the Act**”) and the Maharashtra Motor Vehicles (Taxation of Passenger) Rules, 1958 (for short “**the Rules**”) is challenged in this Petition.

2. A preliminary objection is raised to the maintainability of the Petition on the ground that the petitioner has an alternate equally efficacious remedy of appeal under the Rules and particularly, Rule 12(2) of the Rules. This position is not disputed by the petitioner’s Advocate but he would submit that the petitioner was not served with the notice of

demand and therefore could not file appeal within time.

3. Though we do not allow parties like the petitioner to make such statements and to get over the bar of limitation prescribed by law and that a writ petition need not be entertained so as to enable the parties to get over this bar, in the peculiar facts and circumstances, we direct that if the appeal is filed within three (3) weeks from today, the appellate authority shall decide it on merits and in accordance with law without raising the bar of limitation.

4. In the event, no steps are taken in time, it is for the appellant's Advocate to satisfy the appellate authority, as that authority possesses powers to entertain the appeal after the prescribed period, that he was prevented by sufficient cause from filing the appeal in time.

5. Writ Petition disposed of.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/