

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2773 OF 2017

ORDER:

The writ petition is filed questioning the action of the 2nd respondent in not considering the petitioner's representation dated 14.09.2016, for exemption of road tax for his Eicher Van bearing No.AP 15 X 9112, for the period from 2012 to 2016.

It is the case of the petitioner that he is the owner of Eicher Van bearing No.A.P 15X 9112 and the said vehicle was purchased on 27.07.2007 on securing bank loan and the bank loan was cleared in the year 2011. When the matter stood thus on 13.7.2011, while the petitioner was coming in his vehicle from Hyderabad to Karimnagar, it was involved in an accident and Kuknoorpalli Police registered a case in Crime No.122 of 2011. Due to the accident the vehicle was totally damaged and as a result, the vehicle was kept in a garage and was not used for the period from 2012 to 2016. In that view of the matter, the petitioner submitted an application to the Regional Transport Authority on 14.09.2016, seeking exemption from the road tax for the period from 2012 to 2016, but the respondents did not take any steps so far. Hence, the present writ petition.

Learned Government Pleader for Transport submits that there is no material placed before this Court to support the contention of the petitioner and seeks time to get instructions.

Having considered the respective submissions and in view of the facts and circumstances of the case, what all the petitioner is seeking for exemption of the road tax for the period from 2012 to 2016. Under relevant rules, it is ultimately for the petitioner

to suffice that the vehicle was not roadworthy and was not used during the said period for which he is claiming the exemption. In those circumstances, a direction can be given to the respondent-authorities to consider the representation of the petitioner in accordance with the rules and grant relief subject to the petitioner satisfying the conditions and the same would not in any way cause prejudice to the respondent-authorities.

In those circumstances, the writ petition is disposed of with a direction to the respondent-authorities to consider the representation of the petitioner dated 14.09.2016, for exemption of the road tax for the above said period, in accordance with the relevant rules and subject to his satisfying the conditions as stipulated in the relevant Rules,. within a period of fifteen days from the date of receipt of copy of this order. In addition to the material already submitted, the petitioner shall also submit all the supporting documents to enable the respondent-authorities to consider the claim of the petitioner in accordance with the relevant Rules. No order as to costs.

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

CHALLA KODANDA RAM,J

Date:31.01.2017.

Note:

Dispatch the CC forthwith.

B/o.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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