

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17634 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the seizure of the petitioner's vehicle i.e. JCB bearing No.AP 26 VD TR 0828 vide vehicle check report No.449802, dated 30.05.2017, as illegal and arbitrary, and consequently, direct the respondents to release the petitioner's vehicle.

Heard and perused the material available on record.

The case of the petitioner is that he is the owner of the abovementioned vehicle and that on 30.05.2017 when the vehicle is proceeding to Kadapa to Jedcherla, the 3rd respondent seized the vehicle vide vehicle check report No.4492802 on the allegation that the vehicle is found plying without life tax in Telangana State. The petitioner approached the 3rd respondent and requested to release the vehicle as he came to Telangana State to perform pooja at Pattepuram Mysamma Temple and he has no intention to ply the same in the state of Telangana. But, the respondents did not consider his request and demanded to pay Rs.2,06,100/- towards life tax.

When the matter came up for hearing on 06.06.2017, learned counsel for the petitioner submitted that the petitioner had a sentiment to perform pooja of the vehicle at Pattepuram Mysamma Temple and when he is taking the vehicle to that place, the 3rd respondent seized the same and that the petitioner will not use the vehicle for any purpose in the State of Telangana, and that if the vehicle is kept idle, it may get damaged.

Learned Government Pleader for Transport submitted that the vehicle would be released if the petitioner files an affidavit informing that he will not use the vehicle in the State of Telangana without paying life tax.

Today, the petitioner filed an additional affidavit, which reads as under:

“I submit that I came to Telangana state to go to Pattepuram, Mahabubnagar district to perform puja to new Vehicle at Pattepuram Mysamma Temple and I have no intention to stay or run my vehicle in the state of Telangana. Hereby I under take that I will be return to my native place Kadapa A.P, after puja ceremony is over and I will not enter the Telanagana State once again for any purpose.”

Recording the same, this Court is inclined to pass the following order:

The 3rd respondent is directed to release the vehicle i.e. JCB bearing No.AP 26 VD TR 0828 to the petitioner, in pursuance of the undertaking given by the petitioner in the form an additional affidavit.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

RAJA ELANGO, J

June 12, 2017

KTL