

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14208 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner prayed this Honourable Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent herein in issuing the demand notice vide Memo No.3574/ A4/ RRD/ 2016, dt.29.12.2016 directing the petitioner to pay the tax and penalty of Rs.2,00,200/- as illegal, arbitrary and unconstitutional and consequently direct the respondents herein to release the vehicle Maxi Cab bearing registration No.AP 28 TC 0477 to the petitioner herein and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel appearing for the petitioner and the learned Government Pleader for Transport appearing for the respondents.

3. Learned counsel appearing for the petitioner would submit that the vehicle is seized on 09.07.2015 and a Tax of Rs.71,500/- and a penalty of Rs.1,28,700/- in all, Rs.2,00,200/- is payable and that insofar as tax is concerned, the petitioner is prepared to pay the entire amount in one instalment and that insofar as the penalty imposed, the petitioner has got a right of appeal and that the petitioner is prepared to avail the remedy of appeal and therefore, the writ petition may be disposed of directing release of the vehicle on payment of the entire tax amount in one instalment and giving liberty to the petitioner to avail the remedy of appeal by enclosing a copy of the order, in case, the Court is inclined to accept the submission of the petitioner.

4. Learned Government Pleader for Transport (Telangana) would submit that the permit of the vehicle had also expired and that the fitness certificate is also not produced.

5. In reply, learned counsel for the petitioner would submit that after the vehicle is released, the petitioner will take all necessary steps for obtaining all necessary vehicular and other documents before bringing the vehicle on to the road for plying.

6. Having regard to the submissions, without expressing any opinion on merits, the Writ Petition is disposed of, giving liberty to the petitioner to seek release of the vehicle on payment of entire tax amount of Rs.71,500/- in one instalment. The petitioner is at liberty to avail the remedy of appeal insofar as the penalty by enclosing a copy of this order. It is needless to mention that on the petitioner paying the tax amount in one instalment, the authority concerned among the respondents shall release the vehicle to the petitioner in accordance with the procedure established by law. On such release, the petitioner, as undertaken, shall make the vehicle road worthy and obtain necessary vehicular and other documents before bringing the vehicle on to road for plying. Further, on the petitioner availing the remedy of appeal, the appellate authority, shall pass appropriate orders on the appeal, as expeditiously as possible and preferably within one month from the date of presentation of the appeal.

Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

24th April, 2017
RAR

M. SEETHARAMA MURTI, J