**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**W.P.No.24824 of 2017**

**ORDER:**

The case of the petitioner is that he purchased Earth Master Vehicle fitted with construction equipment bearing No.AP 37DE4687 and while he was proceeding from Kothagudem to purchase some spare parts to the new vehicle along with driver and cleaner, as Kothagudem is near to them, the 4th respondent stopped the vehicle and issued vehicle check report and found some irregularities;- 1) on enquiry with driver/cleaner work under mission Bhagiradha 2) No proof of T.S. Tax 3) No P.C, D.L. and the vehicle is seized under Section 207 of Motor Vehicles Act. It is stated that the petitioner paid life tax of Rs.1,99,130/- and obtained certificate of registration from the office of Regional Transport Authority, West Godavari District and the same was valid till 19-01-2029. Though the petitioner has shown the certificate of registration and payment of tax to the State of Andhra Pradesh, the 4th respondent seized the vehicle. It is stated that Earth Master is new and the petitioner has not utilized the said vehicle and only to fix some equipment, he has taken the said vehicle and the 4th respondent has seized the same. Aggrieved by the same, the petitioner filed WP.No.23408 of 2017 before this Court and this Court by its order dated 14-07-2017 disposed of the same directing the petitioner to make an application before the competent authority for release of the vehicle in question by producing all relevant documents. The 3rd respondent issued impugned memo dated 21-07-2017 rejecting the case of the petitioner and the petitioner was requested to pay life tax of Rs.1,77,135/- and C.F. of Rs.700/- for plying in the State of Telangana. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner is not undertaking any works and did not utilize the vehicle in the State of Telangana for any purpose. In the application filed before the 3rd respondent also, the petitioner undertook that he will not utilize the vehicle in the State of Telangana for any purpose. Learned counsel for the petitioner also says that the petitioner will file notarized sworn affidavit before the 3rd respondent to that affect.

Heard learned Government Pleader for Transport, who submits that since the vehicle was utilized in the State of Telangana, the petitioner is liable to pay life tax.

It is to be seen that the case of the petitioner is his vehicle is not utilized for any purpose and undertaking was also given before the 3rd respondent. In view of the same, if the petitioner files notarized sworn affidavit stating that he will not utilize the vehicle in the State of Telangana, the 3rd respondent is directed to release the vehicle in question subject to production of ownership documents by the petitioner. However, it is open for the respondent-authorities to take action, if the petitioner violates the above said undertaking.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of the writ petition, miscellaneous petitions, if any, pending shall stand closed.

**A.RAJASHEKER REDDY,J**

27-07-2017
Nvl