HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.24416 of 2017

ORDER:

The case of the petitioner is that he is the owner of Maxi Cab bearing No.AP 28 TE 5926 and running the same for commercial purpose. While so, the 3rd respondent inspected the vehicle on 06-06-2017 while passing enroute from Nagaram Village to Thondupally Village by furnishing vehicle check reports stating that,- 1) there is no proof of payment of quarterly tax up to 30th September, 2016, 2) without Fitness Certificate 3) without permit 4) without driving licence 5) without IC and 6) carrying with six members in excess and seized the vehicle and shifted Pahadisherieff Police station. The petitioner admitted that he has not paid tax for three quarters from 30-09-2016 to 31-03-2017 and levied for two quarters as Rs.9100/-+18200/- and further levied quarterly tax with penalty from 31-03-2017 to 30-06-2017 to Rs.4550 + Rs.9100/-and imposed total amount of Rs.40,950/- towards compounding fee. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner says that the petitioner will pay admitted tax due as on today and make application to the 4th respondent in respect of penalties.

Heard learned Government Pleader for Transport.

In view of the same, since the learned Government Pleader for Transport says that in respect of penalty, the petitioner has to approach the 4th respondent for filing application. But the petitioner has not made such application till today.

In view of above facts and circumstances of the case, the subject vehicle shall be released on payment of arrears of tax due as on today and also penalty in respect of carrying six extra passengers and also on production of ownership particulars regarding the vehicle. But, however, it is open for the petitioner to make application to the 4th respondent within a period of four weeks from today regarding other penalties imposing on him. Since, learned counsel for the petitioner also says that the petitioner is having driving licence as well as permit, which is filed along with writ petition, it is open for the petitioner to file said documents before the 3rd respondent and on being satisfied with the same, the 3rd respondent is directed to release the vehicle on payment of arrears of tax due as on today. If the petitioner fails to file application against levy of penalty to the 4th respondent within aforesaid period, it is open for the 4th respondent to take action against the petitioner for collection of penalty also.

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

26-07-2017
Nvl