

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No. 2718 of 2017

ORDER: (*Per VRS,J*)

The petitioner has come up with the present writ petition, challenging the action of the respondents in prohibiting his vehicle bearing registration No.MH 16 AY 4669 from passing through their check-post.

2. Heard Mr. P. Kamalakar, learned counsel for the petitioner. Mr. S. Suribabu, learned special standing counsel for Commercial Taxes (AP), takes notice for the respondents.

3. The petitioner challenges the impugned action, on the ground that there is no power conferred upon the respondents under the Act to prevent a vehicle from passing through a check-post. However, the learned special standing counsel relies upon the Circulars, dated 15.09.2015 and 08.08.2016.

4. However, we are of the considered view that for the present, we need not go into the larger question of availability of such a power on the part of the respondents. This is in view of the fact that in identical circumstances, this Court has passed orders, directing the respondents

to follow a particular procedure. Therefore, following the same, the Writ Petition is disposed of, directing the respondents to put the petitioner on notice, give him an opportunity of hearing, and thereafter, pass orders, in accordance with law, within a period of two (2) months from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J.

27th January, 2017
cbs





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