

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.38377 of 2017

ORDER:

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

“..to issue order direction more particularly one in the nature of writ of Mandamus declare the proceedings of the 3rd respondent in proceedings No.151/A1/2017, dated 2.11.2017 as illegal arbitrary and contrary to the provisions of M.V. Act and consequentially direct the respondents to release the vehicle bearing No.AP20TA 1122 on payment of Tax of Rs.29,640/- and compounding fee without imposing any penalty and pass such other order or orders may deem fit and proper in the circumstances of the case.”

I have heard the submissions of the learned counsel appearing for the petitioner and of the learned Government Pleader representing the respondents. I have perused the material record.

At the hearing, learned counsel for the petitioner brings to the notice of the Court the order, dated 11.08.2016, of this Court in W.P.No.26924 of 2016 and makes a request to dispose of the present writ petition also on the same lines.

Learned Government Pleader endorses the said submission.

Having regard to the submissions, the Writ Petition is disposed of directing the respondents to release the vehicle in favour of the petitioner subject to payment of admitted tax and compounding fee, but however, the assessment proceedings may go on and the penalty imposed may not be recovered for a period of 30 days as imposition of

penalty is appealable; if no appeal is preferred or no order is obtained, the penalty becomes liable to be paid. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

14.11.2017

Note:- Issue CC by 15.11.2017

(B/o)

VJI

