THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40139 of 2017

ORDER:

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

> **"For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more particularly one in the nature of a writ of Mandamus declaring the impugned notice in Rc.No.AP521/Oct.2017/12933 dated 17.11.2017 passed by the 2nd respondent in asking to pay the Tax and penalty for release of the vehicle bearing registration No. AR 02-4562 which was seized on 13.10.2017 by the 3rd respondent under VCR.No. AP521/Oct.2017/12933 as illegal, arbitrary and contrary to law and consequently direct the 2nd respondent to release the vehicle of the petitioner forthwith and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case."**

(Reproduced verbatim)

2. I have heard the submissions of Sri *B. Siva Rama Krishnaiah,* learned counsel appearing for the petitioner, and of the learned Government Pleader for Transport appearing for the respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel appearing for the petitioner brings to the notice of the Court the order, dated 14.11.2017, of this Court in W.P.No.38377 of 2017 and makes a request to dispose of the present writ petition also on the same lines.

4. Learned Government Pleader would submit that the petitioner may also be directed to pay the penalty, subject to the result of the appeal.

5. However, this Court is of the considered view that the writ petition can be disposed of following the earlier orders, which are consistently being passed by this Court.

6. Having regard to the submissions, the Writ Petition is disposed of directing the respondents to release the vehicle bearing Registration No.AR 02-4562 in favour of the petitioner, subject to payment of admitted tax and compounding fee. 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; nonetheless, 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.

JUSTICE M. SEETHARAMA MURTI

Date: 29th November, 2017

Note: Issue C.C. in two (02) days.

(B/o.)
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WRIT PETITION No.40139 of 2017

Date: 29th November, 2017

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