

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.749 of 2018

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 seizure of the Petitioner’s vehicle bearing No.AR 01G-5556 seized under vehicle check report No. 1735595, dated 03.01.2018 by the 3rd Respondent as illegal, arbitrary, contrary to law and without jurisdiction 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 (Telangana) appearing for the respondents 1 to 3. I have perused the material record.

3. When this writ petition is taken up for hearing, learned counsel for the petitioner submits that in matters of identical nature, this Court passed appropriate orders. He placed on record a copy of the order, dated 10.10.2017, passed in W.P.No.33789 of 2017, wherein, this Court by following an earlier order, dated 28.08.2017, passed in W.P.No.28795 of 2017, disposed of the said writ petition. Learned counsel requested that this writ petition may also be disposed of on the same lines.

4. However, learned Government Pleader for Transport appearing for the respondents 1 to 3 would submit that the petitioner has to pay tax, which is due and payable and unless the same is paid, the vehicle cannot be released.

5. Learned counsel for the petitioner, in reply, would submit that the petitioner is willing to pay the tax, which is due and payable and, hence, the vehicle may be directed to be released subject to the said condition.

6. In view of the aforesaid submissions and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated writ petitions, this Writ Petition is disposed of directing the petitioner to make an application before the 2nd respondent for release of the vehicle bearing No.AR 01G-5556; it is made clear that on such application being made by the petitioner, the 2nd respondent shall consider the same and pass appropriate orders, in accordance with law, as expeditiously as possible and preferably, within three (03) days from the date of receipt of a copy of this order. As undertaken, the petitioner shall pay the tax due and payable, if any, and such payment made shall be considered by the 2nd respondent while passing appropriate orders on the application of the petitioner.

Office is directed to enclose a copy of the order, dated 28.08.2017, passed in W.P.No.28795 of 2017 to this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

Date: 4th January, 2018

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Note: Issue C.C. today.

(B/o.)

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