

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44933 of 2017

ORDER:

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

“For the reasons stated in the above accompanying affidavit, the petitioners herein prays that this Hon’ble Court may be pleased to issue Writ or Order or Direction or any other appropriate Order in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not considering and disposing the Joint Application of the petitioners dated 30-12-2016 registered as R.No.6126/A3/2016 for transfer of permit along with the vehicle No.AP 04 TW 1065 plying on the route Proddatur to Duvvur from 1st petitioner to 2nd petitioner either by conducting the meeting or in circulation is illegal and arbitrary and consequently direct the respondents 2 to 4 to consider and dispose of the Joint Application of the petitioners dated 30-12-2016 registered as R.No.6126/A3/2016 seeking for transfer of permit along with the vehicle bearing Registration No.AP 04 TW 1065 plying on the route Proddatur to Duvvur from the 1st petitioner to 2nd petitioner 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 *S.Arifullah*, learned counsel appearing for the petitioners, and of the learned Government Pleader for Transport appearing for the respondents 1 to 4. I have perused the material record.

3. The case of the petitioners is that the first petitioner is having a stage carriage permit, which is valid up to 08.06.2020 and that a joint application is made by the petitioners on 30.12.2016 seeking transfer of permit on the Route Proddatur to Duvvur and that the said transfer application was registered; but, after this writ petition is filed, the same was returned for non-payment of fee; and, that the petitioners are prepared to pay the fee and re-submit the application and comply with the other necessary requirements for considering the application. The petitioners, therefore, request to give a direction to the respondents to consider the application, which the petitioners are going to resubmit and pass appropriate orders, in accordance with the procedure established by law.

4. Learned Government Pleader for Transport appearing for the respondents 1 to 4, while pointing out the averments in the counter affidavit filed today, submits, on instructions, that the petitioners have not paid the requisite fee of Rs.2,000/- and failed to comply with Rule 220 of the Andhra Pradesh Motor Vehicles Rules, 1989, and that unless the petitioners fulfil the requirements, their application cannot be entertained and that their application is already returned for non-payment of fee and non-compliance of certain statutory requirements.

5. Recording the submissions, the Writ Petition is disposed of with the following directions: 'The petitioners shall re-submit their application seeking transfer by paying the necessary fee and complying with the necessary requirements. On the petitioners re-submitting their application accordingly, the 2nd respondent shall consider and dispose of the said application of the petitioners within

a period of six (06) weeks from the date of receipt of the said application of the petitioners, however, in strict accordance with procedure established by law and communicate the decision taken thereon to the petitioners within a week thereafter.'

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 4th January, 2018

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