**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

## Writ Appeal No.2020 of 2017

**JUDGMENT :** **(Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)**

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.23118 of 2017 dated 07.12.2017. W.P.No.23118 of 2017, along with a few other writ petitions, was dismissed as withdrawn by common order dated 07.12.2017. Aggrieved thereby, respondent No.19 in W.P.No.23118 of 2017 has invoked our jurisdiction under Clause 15 of the Letters Patent.

Sri P.V.A.Padmanabham, learned counsel for the appellant (respondent No.19 in W.P.No.23118 of 2017) would submit that the appeal in W.A. No.1216 of 2017 was preferred against the order passed by the Learned Single Judge in W.P.M.P.Nos.31433 and 31434 of 2017 in W.P.No.25354 of 2017 dated 02.08.2017, wherein the Learned Single Judge had directed that the subject vehicle be released on payment of tax and penalty which would be without prejudice to the respective contentions of the parties in W.P.No.23123 of 2017 and batch; the Division Bench, by its order in W.A.No.1216 of 2017 dated 06.09.2017, directed the respondent-writ petitioner therein to deposit Rs.1,63,130/-, and furnish proof of such re-deposit to the authorities concerned; withdrawal of W.P.No.23123 of 2017 and batch could only have been permitted making it clear that it was not obligatory for the official respondents therein to collect tax from the transport operators; on an erroneous understanding of the order of the Division Bench, in W.A.No.1216 of 2017 dated 06.09.2017, G.O.Rt.No.367 dated 18.10.2017 was issued permitting vehicles, for which NOCs were issued by other States, into the rolls of the Districts on payment of tax provided they complied with the provisions of the Motor Vehicles Act and Rules.

As noted hereinabove, the 1st respondent-writ petitioner herein was neither a party to W.P.No.25354 of 2017 nor to W.A.No.1216 of 2017. The order, in W.A.No.1216 of 2017 dated 06.09.2017, was passed in an appeal preferred against the interlocutory order in WPMP Nos.31433 of 2017 and 31434 of 2017 in W.P.No.25354 of 2017 dated 02.08.2017. The substantive writ petition, i.e W.P.No.25354 of 2017, is still pending on the file of this Court; and the order in W.A.No.1216 of 2017 dated 0609.2017, to which neither the appellant herein nor the 1st respondent-writ petitioner are parties, has no application to the present case.

As the validity of G.O.Rt.No.367 dated 18.10.2017 is not under challenge in the writ petition against which this appeal is preferred, it would be wholly inappropriate for us to make any observations on merits. Suffice it to make it clear that dismissal of this appeal would not disable the appellant from questioning the validity of the said G.O in appropriate legal proceedings. We, however, see no reason to entertain an appeal against the order passed by the Learned Single Judge dismissing the writ petition as withdrawn.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

**(RAMESH RANGANATHAN, ACJ)**

**(GUDISEVA SHYAM PRASAD, J)**

03rd January, 2018
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

**<u>Writ Appeal No.2020 of 2017</u>**

Date: 03.01.2018

JSU