

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10359 OF 2019

Date:21.08.2019

Between:

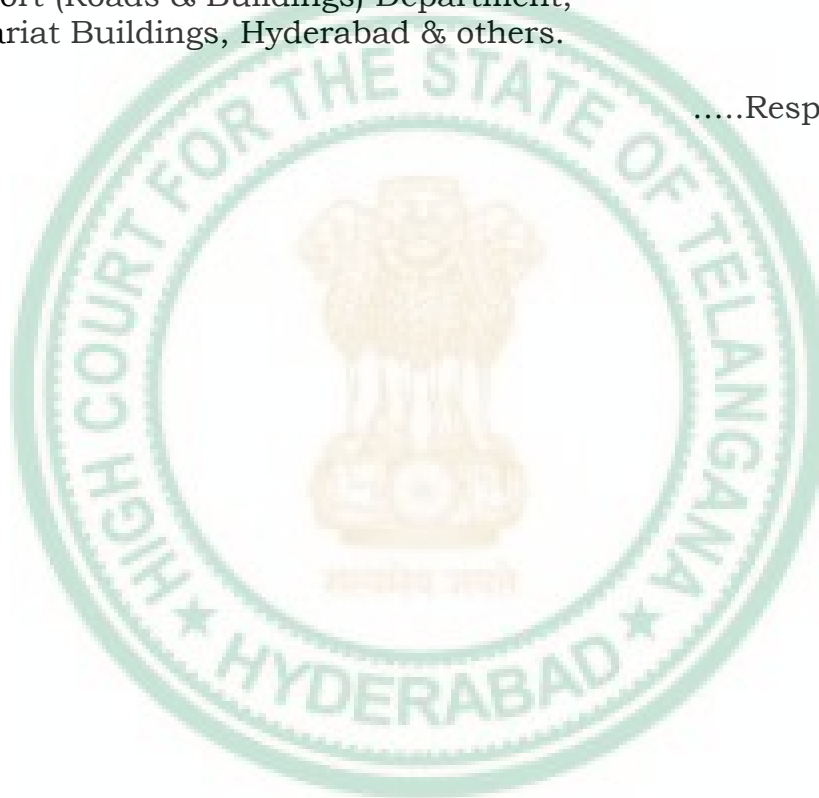
Sri P.Sampath S/o.P.Komaraiah,
Aged about 64 yrs, R/o.H.No.3-9-407/1,
Reddy Colony, Hanamkonda, Warangal District.

.....Petitioner

And

The State of Telangana,
Rep., by its Prl. Secretary,
Transport (Roads & Buildings) Department,
Secretariat Buildings, Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10359 of 2019

ORDER:

This writ petition is filed challenging the show cause notice dated 10.05.2019. Through this notice, petitioner was asked to pay arrears of tax payable for more than four quarters.

2. Learned counsel for the petitioner sought to contend that petitioner purchased the vehicle from Shriram AutoMall India Limited on 25.04.2019 and he is not liable to pay tax earlier to his purchase and that the vehicle was seized by the financier and the vehicle was not in use.

3. Admittedly, this fact was not placed before licencing officer who issued the show cause notice. If what is contended by the petitioner is true, the same ought to have been appraised to the competent authority with supporting documents and invited a decision from him. Prima-facie, it can not be said that show cause notice is without jurisdiction and competence. Therefore, court is not inclined to interfere with the show cause notice at this stage.

4. Hence, petitioner is granted liberty to file application within one week from the date of receipt of copy of this order with supporting documents seeking exemption from payment of tax as demanded by the Regional Transport Officer. On due consideration of the explanation, the competent authority shall pass orders as warranted by law. Till a decision is made, the respondents are directed not to take any coercive action against the petitioner.

5. With the above observations, the Writ Petition is disposed of.
Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

21st August, 2019
Rds

