

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10365 OF 2019

Dated:17.06.2019

Between:

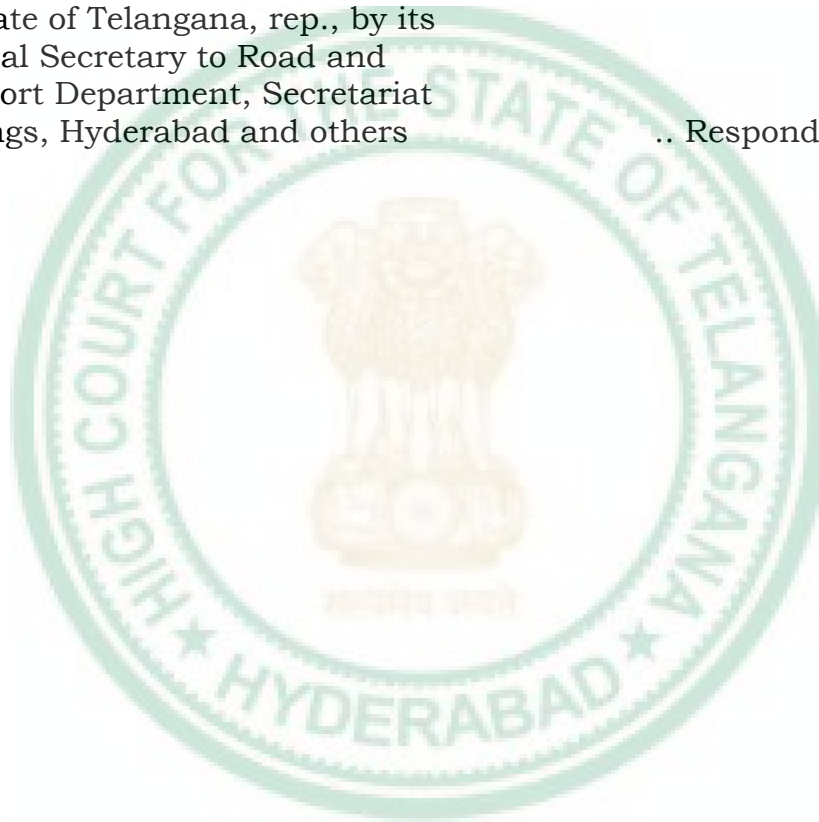
Kiran Kumar. P, S/o. Prakash,
Aged 29 years, Occ: Owner of the
Vehicle CEV (Back hole loader)
Bearing No.KA04/TX007547/2016-17,
(JCB), R/o.D.No.382, Hirehalli Village,
Chitradurga Mandal, Karnataka State

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary to Road and
Transport Department, Secretariat
Buildings, Hyderabad and others

.. Respondents



This Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10365 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Transport.

2. Petitioner claims to be the owner of vehicle bearing (Back hole loader) No.KA04/TX007547/2016-17 (JCB). He purchased the said vehicle on hypothecation in the State of Karnataka. He states that the respondents seized the subject vehicle on 29.06.2017, having found plying within the territory of the State of Telangana, illegally. He prays to release the subject vehicle.

3. Learned Government Pleader for Transport submits that the respondents seized the subject vehicle, which is classified as construction equipment for use in construction activity, was plying in the State of Telangana without complying with the terms and conditions as required by the Andhra Pradesh Motor Vehicles Taxation Act, 1993 (for short, 'the Act').

4. Learned counsel for the petitioner, on the one hand, submits that the petitioner belongs to the State of Karnataka and as there is no work in that State, but he does not admit of doing work in the State of Telangana. However, petitioner averments would show that vehicle was moving from one place to another within State of Telangana. Learned counsel stated that the petitioner expresses his readiness to register the subject vehicle in the State of Telangana.

5. In response to the said submission, learned Government Pleader submits that the vehicle was illegally brought into the State of Telangana and the same cannot be released unless the petitioner pays life tax to the concerned authority.

6. Having regard to the rival submissions, this Court is of the opinion that it is for the petitioner as to whether he is willing to register the subject vehicle in the State of Karnataka or to pay life tax or penalty that may be levied by the authorities of the State of Telangana, since the vehicle illegally entered into the State of Telangana. If the petitioner intends to register the vehicle in the State of Telangana, he shall produce the relevant documents before the concerned authority for temporary registration and the respondents shall consider the same. On the other hand, if the petitioner intends to register the said vehicle in the State of Karnataka, he has to pay the life tax and/or penalty that may be levied, as the vehicle was illegally entered into the State of Telangana, subject to complying with all other conditions under the Act, and on such compliance, the subject vehicle shall be released. Further, if the Act permits refund of the amount by the State of Karnataka, it is always open to the petitioner to make a request before the competent authority of Karnataka State for refund of the life tax paid by the petitioner.

7. Subject to the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:17.06.2019
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