

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 8220 OF 2010

Between:

1. Syed Akthar Nawab, S/o.Jaffar Ali, aged 60 years, Muslim, R/o.H.No.4-10-164/10,Pahadi Qayam Nagar Rajendranagar,Ranga Reddy District, Vehicle R.No.AP 28TV 0303.
2. Mohd.Ali, S/o.Mohd.Omer, aged 46 years, Muslim, R./o.H.No.4-46/12,Miyapur Ranga Reddy District Vehicle R.No.AP 02 TV 6110.

.....PETITIONERS

AND

1. The State of Andhra Pradesh, rep by its Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad City, Hyderabad, Home Department, Secretariat, Hyderabad.
3. The Director of General of Police, Andhra Pradesh, Hyderabad.
4. The Commissioner of Police, Cyberabad, Ranga Reddy District.
5. The Additional Commissioner of Police, (Traffic), Control Room, Hyderabad.
6. The Deputy Transport Commissioner and Secretary, office of the Regional Transport Authority, Ranga Reddy District.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue appropriate writ order or direction preferably one in the nature of writ of mandamus directing the respondents herein and their subordinate checking officers not to seize or collect compounding fee/launching criminal

prosecution etc for the alleged violation of the provisions of Sec.192-A, of Motor Vehicles Act, under Sec.200 of Motor Vehicles Act,1988 in respect of the petitioner LMV-Motor Cabs/passenger vehicles covered by Regular State wide Contract Carriage permits and payment of life tax and declare that the respondents and their subordinates have no Authority of law to do so.

I.A.NO:1 OF 2010 (WPMP.NO:10557 OF 2010)

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents herein and their subordinate checking officers not to seize and detain the vehicles/their documents only for the purpose of violations of under Sec.192-A of Motor Vehicle Act 1988 and for fixing compounding fee under Sec.200 of Motor Vehicles Act,1988/Launching Criminal Prosecution in respect of the petitioners LMV Motor Cabs/Passenger Vehicles pending disposal of the writ petition.

I.A.NO:2 OF 2010 (WPMP.NO:10558 OF 2010)

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to release the LMV Motor Cabs/Passenger Vehicles of the petitioners viz., 1.Vehicle R.no.AP 28TV 0303 2.Vehicle R.No.AP 02 TV 6110 forthwith to the petitioners pending disposal of the writ petition.

Counsel for the Petitioners : SRI RAJANIKANTH JWALA

**Counsel for the Respondents : SRI MOHAMMED IMRAN KHAN,
THE ADDITIONAL ADVOCATE GENERAL**

The Court made the following ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.8220 of 2010

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Rajinikanth Jwala, learned counsel for the petitioners appeared through video conferencing.

Mr. Mohammed Imran Khan, learned Additional Advocate General for the respondents.

2. Both sides represented that the issue raised in this writ petition is covered by the order dated 08.07.2013 in W.P.No.22761 of 2009.

3. In view of the aforesaid, the writ petition is disposed of directing the respondents not to collect compounding fee from the petitioners for violation of the provisions of Section 192-A of the Motor Vehicles Act, 1988. If any amount is collected by the respondents towards compounding fee from the petitioners, it shall be refunded

within a period of eight weeks from the date of receipt of a copy of this order.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

Sd/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Commissioner of Police, Hyderabad City, Hyderabad, Home Department, Secretariat, Hyderabad
2. The Director of General of Police, Andhra Pradesh, Hyderabad.
3. The Commissioner of Police, Cyberabad, Ranga Reddy District.
4. The Additional Commissioner of Police, (Traffic), Control Room, Hyderabad.
5. The Deputy Transport Commissioner and Secretary, office of the Regional Transport Authority, Ranga Reddy District.
6. Two CCs to MOHAMMED IMRAN KHAN, the Additional Advocate General, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI RAJANIKANTH JWALA, Advocate [OPUC]
8. Two CD Copies

SA
MP



HIGH COURT

DATED:21/08/2024



ORDER

WP.No.8220 of 2010

**DISPOSING OF THE W.P.
WITHOUT COSTS.**

(11)
28/09/24
bvk