

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

**TUESDAY, THE FIFTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 9853 OF 2016

Between:

Akbar Khan, S/o: Omer Khan, aged about 32 years, R/ o. 19-4-430/6/C, Mir Sagar Road, Tadban, Bhadurpura, Hyderabad, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Secretary, Transport Roads and Buildings Department, Secretariat Building, Hyderabad.
2. The Assistant Secretary, Regional Transport Authority (South Zone), Bahadura, Hyderabad.
3. The Assistant Motor Vehicle Inspector, On, Special Duty, State Transport Authority, Telangana, Hyderabad.
4. The Joint Transport Commissioner & Secretary, Regional, Transport Authority, Hyderabad.

...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 a writ or order or direction more particularly one in the nature of a writ of Mandamus declaring the impugned memo No. 798/2016/R, dated 03.03.2016 issued by the 2nd respondent asking to pay the tax at Rs. 3675/- per seat per quarter for release of the vehicle bearing No. AP 02 TA 2169 which was seized by the 3rd respondent on 23.02.2016 under vehicle check report No. 496460 which was confirmed in an appeal by the 4th respondent in Proc.No. 1848/D2/2016 dated 21.03.2016 as illegal, arbitrary and contrary to law and

consequently direct the 2nd respondent to release the vehicle bearing No. AP 02 TA 2169 seized under Vehicle Check Report No. 496460 forthwith

I.A. NO: 1 OF 2016(WPMP. NO: 12445 OF 2016)

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 2nd respondent to release the vehicle bearing No. AP 02 TA 2169 seized under Vehicle Check Report No. 496460 forthwith

Counsel for the Petitioner: SRI B. SIVARAMAKRISHNAIAH

**Counsel for the Respondents: SRI M. VIGNESWAR REDDY,
GP FOR TRANSPORT**

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.9853 of 2016

ORDER: *(Per the Hon'ble Justice J.Sreenivas Rao)*

This writ petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus – declaring the impugned memo No.798/2016/R, dated 03.03.2016 issued by respondent No.2 asking to pay the tax at Rs.3675/- per seat per quarter for release of the vehicle bearing No. AP 02 TA 2169 which was seized by respondent No.3 on 23.02.2016 under vehicle check report No.496460 which was confirmed in an appeal by respondent No.4 in Proc.No.1848/D2/2016 dated 21.03.2016 as illegal, arbitrary and contrary to law and consequently direct respondent No.2 to release the vehicle bearing No.AP 02 TA 2169 seized under vehicle check report No.496460.”

2. Heard Mr.B.Siva Rama Krishnaiah, learned counsel for the petitioner and Mr.M.Vigneswar Reddy, learned Government Pleader for Transport appearing on behalf of respondents.

3. The grievance of the petitioner is that he is owner of the Crane bearing No. AP 02 TA 2169. Respondent No.3 seized the said vehicle on 23.02.2016 exercising the powers conferred

under Section 8 of the Telangana Motor Vehicles Taxation Act, 1963 on the ground that the petitioner is liable to pay Telangana State Life Tax. Questioning the said seizure, petitioner filed this writ petition.

4. Learned counsel for the petitioner vehemently contended that the petitioner is not liable to pay Telangana State Life Tax. He further submitted that pursuant to the interim order granted by this Court on 13.04.2016, the petitioner has deposited 50% of the Life Tax. As on today, the respondents have not initiated any proceedings against the petitioner

5. *Per contra*, learned Government Pleader for Transport contended that proceedings are pending before respondent No.2 and respondent No.2 will consider the claim of the petitioner and pass appropriate orders in accordance with law.

6. Having considered the submissions made by the respective parties and after perusal of the material available on record, it reveals that pursuant to the interim order granted by this Court on 13.04.2016, the petitioner has deposited 50% of the Life Tax with the concerned authority and the vehicle was

already released. Admittedly, proceedings are pending before respondent No.2.

7. In view of the above mentioned facts and circumstances, the petitioner is granted liberty to file objections before respondent No.2 within a period of one (1) month from the date of receipt of copy of this order. On filing such objections, respondent No.2 is directed to consider the same and pass appropriate orders in accordance with law, within a period of two (2) months thereafter. The amount deposited by the petitioner pursuant to the interim order dated 13.04.2016 is subject to the outcome of the proceedings pending before respondent No.2.

8. With the above directions, the writ petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

SD/-P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Transport Roads and Buildings Department, Secretariat Building, The State of Telangana, Hyderabad.
2. The Assistant Secretary, Regional Transport Authority (South Zone), Bahadura, Hyderabad.
3. The Assistant Motor Vehicle Inspector, On, Special Duty, State Transport Authority, Telangana, Hyderabad.
4. The Joint Transport Commissioner & Secretary, Regional, Transport Authority, Hyderabad.
5. One CC to Sri B. Sivaramakrishnaiah, Advocate [OPUC]
6. Two CCs to GP for Transport, High Court for the State of Telangana, at Hyderabad [OUT]
7. Two CD Copies *PA*

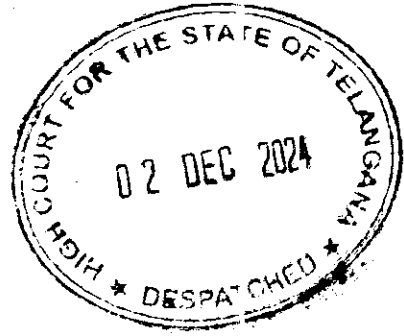
TJ

HIGH COURT

DATED:15/10/2024

ORDER

WP.No.9853 of 2016



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

PA.
25/10/24
10 Copies