

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: 42473 OF 2015

Between:

M/s. Modern Crane Service, Plot No.26/A, IDA Balanagar, R.R. District,
Hyderabad, T.S. Rep. by its Managing Partner Mr. Amin Abdul Rehman
Ladha

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Transport, Roads and Buildings Department, Secretariat Building, Hyderabad.
2. The Secretary, Regional Transport Authority, Central Zone, Hyderabad.
3. The Asst. Motor Vehicles Inspector, Enforcement, Hyd. Central Zone.

...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 writ order or direction especially one in the Nature of Writ of Mandamus declaring the seizure of the petitioners vehicle (Crane) MH 46 AB 0201 vide Vehicle Check Report No.071168 dt.18-12-2015 is illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and further declare the action of the 2nd respondent in not releasing the same inspite of representation dt.21-12- 2015 on the ground of no payment of Telangana State Life Tax is also illegal and arbitrary and consequently direct the 2nd respondent to release the petitioner vehicle.

I.A. NO: 1 OF 2015(WPMP. NO: 54785 OF 2015)

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 petitioner's vehicle (Crane) MH 46 AB 0201 pending disposal of the main writ petition.

I.A. NO: 1 OF 2016(WPMP. NO: 5066 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 extend the time granted on 06.01.2016 for furnishing of bank guarantee by 6 more weeks.

Counsel for the Petitioner: SRI CH.RAVINDER
Counsel for the Respondents: SRI M.VIGNESWAR REDDY, GP FOR
TRANSPORT (TG)

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. 42473 OF 2015

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

This writ petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prayed that this Hon'ble Court may be pleased to issue writ, order or direction especially one in the Nature of Writ of Mandamus declaring the seizure of the petitioner's vehicle (Crane) MH 46 AB 0201 vide Vehicle Check Report No.071168 dt. 18-12-2015 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and further declare the action of the 2nd respondent in not releasing the same in spite of representation dt.21-12-2015 on the ground of no payment of Telangana State Life Tax is also illegal and arbitrary and consequently direct the 2nd respondent to release the petitioner vehicle and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Heard Sri Ch.Ravinder, learned counsel for the petitioner and Sri 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. MH 46 AB 0201. Respondent No.3 seized the said vehicle on 18.12.2015 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 06.01.2016, 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 06.01.2016, 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 06.01.2016 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 Principal Secretary, Transport, Roads and Buildings Department, Secretariat Building, Hyderabad, State of Telangana.
2. The Secretary, Regional Transport Authority, Central Zone, Hyderabad.
3. The Asst. Motor Vehicles Inspector, Enforcement, Hyd. Central Zone.
4. One CC to SRI CH.RAVINDER, Advocate [OPUC]
5. Two CCs to GP FOR TRANSPORT, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

PSK.

GJP

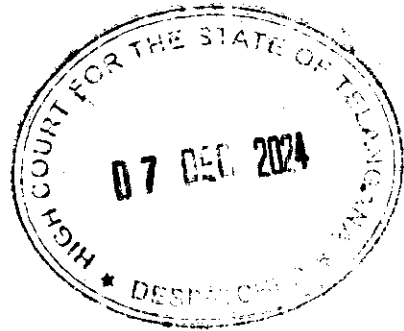
CHP

HIGH COURT

DATED:15/10/2024

ORDER

WP.No.42473 of 2015



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

⑨ CHR
4/12/24