

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

MONDAY, THE FOURTEENTH 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: 30068 OF 2014

Between:

Sri Gowtham Academy Of General and technical Education, S.No.266,
Raghavendra Nagar Athvelly, Medchal, Ranga Reddy District, Rep. by its
Secretary and Correspondent K. Venkat Reddy.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Transport
Department, Secretariat Building, Hyderabad.
2. The Asst. Secretary, Regional Transport Authority, Medchal, Ranga Reddy
District.

(Cause title is amended as per C.O. dt: 16-10-14 in WPMP No.37935 of
2014)

...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
Certiorari calling for the records of the orders passed in proceedings in R.No.
1840/A3/2014 dated 12-08-2014 and quash the same as the same is illegal,
arbitrary and violative of principles of natural justice.

I.A. NO: 2 OF 2014(WPMP. NO: 37579 OF 2014)

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

suspend the proceedings in R.No. 1840/A3/2014 dated 12-08-2014 pending disposal of the main writ petition.

I.A. NO: 1 OF 2014(WVMP. NO: 3421 OF 2014)

Between:

1. The State of Telangana, Rep. by its Principal Secretary, Transport Department, Secretariat Building, Hyderabad.
2. The Asst. Secretary, Regional Transport Authority, Medchal, Ranga Reddy District.

...PETITIONERS/RESPONDENTS

AND

Sri Gowtham Academy Of General and technical Education, S.No.266, Raghavendra Nagar Athvelly, Medchal, Ranga Reddy District, Rep. by its Secretary and Correspondent K. Venkat Reddy.

...RESPONDENTS/PETITIONER

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 vacate the interim orders made in WP No. 30068 of 2014 dated 18.10.2014.

Counsel for the Petitioner: SRI CH. RAVINDER

**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. 30068 OF 2014

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 Certiorari calling for the records of the orders passed in proceedings in R.No.1840/A3/2014 dt. 12.08.2014 and quash the same as the same is illegal, arbitrary and violative of principles of natural justice 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. **Brief facts of the case:**

3.1 According to the petitioner, petitioner-Academy is owner of the vehicle bearing No. AP 28 TA 8138, which is being used for the purpose of transporting its students. It has got valid permit to operate the same as educational institution vehicle. On 23.05.2013 when the said vehicle was kept idle, a close friend of the Secretary and Correspondent of petitioner-Academy namely Mr.Murali, whose marriage was scheduled, contacted the

petitioner and requested to arrange the vehicle temporarily to transport his relatives on the ground that the vehicle engaged by him developed some repairs and it was break down. At his request, the said vehicle was sent to transport the marriage party without taking any payment. The Motor Vehicle Inspector, Medak seized the said vehicle *vide* check report No.2094004 on 23.05.2013 on the ground that the vehicle is plying as a contract carriage, which attracts tax.

3.2 Questioning the said check report, the petitioner had filed Writ Petition No.16268 of 2013 before the erstwhile High Court of Judicature of Andhra Pradesh at Hyderabad and the said writ petition was disposed on 11.06.2013 directing respondent No.1 therein to release the vehicle to the petitioner subject to deposit a sum of Rs.25,000/- to the credit of respondent No.1 therein and also produce the ownership documents and to furnish an undertaking not to alienate the vehicle or create any third party interest pending determination of the tax liability of the petitioner.

3.3 Thereafter, respondent No.2 issued show cause notice on 17.06.2013 directing the petitioner to submit explanation as to why an amount of Rs.93,090/- should not be collected towards proposed tax under Rule 6-A of Rules read with Section 3-A of the A.P. Motor Vehicles Taxation Act, 1963 on the ground that the

petitioner's vehicle is plying as a contract carriage. Pursuant to the said notice, the petitioner had submitted explanation on 01.07.2013. Respondent No.2 without considering the said explanation passed the impugned proceedings on 12.08.2014. Questioning the same, petitioner filed this writ petition.

Contentions of the learned counsel for the petitioner:

4. Learned counsel for the petitioner vehemently contended that respondent No.2 passed the impugned order without considering the explanation submitted by the petitioner and basing upon the alleged report submitted by the Motor Vehicle Inspector dated 07.07.2014 and the said report was not furnished to the petitioner. Thus, the impugned proceedings issued by the respondent No.2 is gross violation of the principles of natural justice, especially the vehicle does not come within the purview of contract carriage as defined under Section 2(7) of the Telangana Motor Vehicles Act, 1963.

Submissions of learned Government Pleader:

5. *Per contra*, learned Government Pleader submits that respondent No.2 after following the due procedure as contemplated under law passed the impugned demand notice and there are no grounds in the writ petition.

Analysis:

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that respondent No.2 passed the impugned proceedings pursuant to the Motor Vehicle Inspector's report dated 07.07.2014. Petitioner specifically pleaded in the sworn affidavit that respondent No.2 has not furnished the Motor Vehicle Inspector's report dated 07.07.2014 and not given opportunity of hearing before passing the impugned order. Respondent No.2 in the counter affidavit not specifically denied the averments made by the petitioner, nor enclosed the said report along with counter affidavit. Admittedly, the impugned proceedings dated 12.08.2014 clearly reveals that respondent No.2 passed the impugned order basing upon the report submitted by the Motor Vehicle Inspector dated 07.07.2014 even without furnishing the said report to the petitioner. Hence this Court is of the considered view that the impugned order passed by respondent No.2 is liable to be set aside on the ground of violation of the principles of natural justice.

7. For the foregoing reasons, the impugned order dated 12.08.2014 passed by the respondent No.2 is set aside and respondent No.2 is directed to pass appropriate orders in

accordance with law by furnishing the enquiry report dated 07.07.2014 submitted by the Motor Vehicle Inspector and after giving opportunity to the petitioner, within a period of three (3) months from the date of receipt of a copy of this order.

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

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

SD/- A. PRATHIMA
ASSISTANT REGISTRAR
SECTION OFFICER

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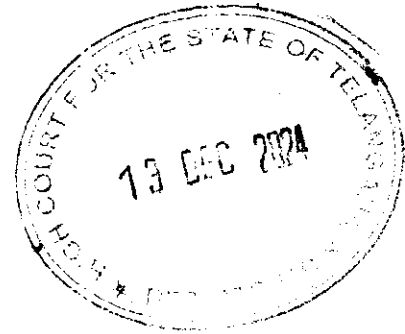
- To,
1. The Principal Secretary, The State of Telangana, Transport Department, Secretariat Building, Hyderabad.
 2. The Asst. Secretary, Regional Transport Authority, Medchal, Ranga Reddy District.
 3. One CC to Sri CH. Ravinder, Advocate [OPUC]
 4. Two CCs to GP for Transport, High Court for the State of Telangana, at Hyderabad [OUT]
 5. Two CD Copies

TJ

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HIGH COURT

DATED:14/10/2024



ORDER

WP.No.30068 of 2014

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

10
Copies
G.B
25/10/25