

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.38565 of 2016

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an appropriate writ, order or direction more preferably one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not releasing the petitioner’s contract carriage vehicle bearing R.No.KA05C6899, which was seized under Vehicle Check Report No.1562812, dated 19.10.2016 by the 4th respondent, as per law laid down by the Hon’ble Court as illegal, arbitrary, unjust and consequently direct the 2nd respondent to forthwith release the petitioner’s contract carriage vehicle bearing R.No.KA05C6899 and pass such other or orders..”.

2. When the matter came up for admission, on 09.11.2016, this Court passed the following interim order:

“On payment of Rs.50,000/- (Rupees fifty thousand only) by the petitioner, the second respondent-Deputy Transport Commissioner shall release the vehicle bearing No.KA05C6899. Pending disposal of the writ petition, petitioner shall not create third party interest and produce the vehicle as and when required by the respondent authorities”.

3. At the time of hearing, the learned Government Pleader for Transport has produced a copy of instructions of the 2nd

respondent dated 20.02.2023, wherein it is stated that, in pursuance of the interim order granted by this Court on 09.11.2016, upon payment of Rs.50,000/- towards deposit, the petitioner's vehicle was released on 16.11.2016. But however, the petitioner is liable to pay the tax amount of Rs.85,000/-.

4. In view of the same, the writ petition is closed leaving it open to the respondent authorities to issue a show-cause notice to the petitioner for claiming the due amount of Rs.85,000/- if any payable by the petitioner. There shall be no costs.

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

JUSTICE V.SUJATHA

Date : 22.02.2023
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