

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

**FRIDAY, THE TWENTY THIRD 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: 15040 OF 2011

Between:

M/s.Coastal Projects Limited, having its site Office at D.No.9-406/8, Bandarupalli Road, Opp. Sri Vinayaka Rice Mill, Near Madarsa Mulugu, Warangal district, Rep.by its Deputy General Manager Sri Chandra Mohan Rao, S/o: Sri Mahender.

...PETITIONER

AND

1. The Government of Andhra Pradesh, Transport Department, Secretariat Hyderabad Rep.by its Secretary
2. The Transport Commissioner, Andhra Pradesh, Hyderabad
3. The Deputy Transport Commissioner, East Godavari District Kakinda
4. The Assistant Motor Vehicle Inspector, Tetagunta Check Post, East Godavari 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 a Writ, Order or direction particularly one in the nature of Writ of Mandamus declaring the proviso (iii) of Sub.Sec.2 of Sec.3 of A.P. Motor Vehicles Taxation (Amendment) Act, 2010 as illegal, arbitrary and contrary to Sec.3 (1) of A.P. Motor Vehicles Taxation Act, 1963 and Sec.2(28) of the Motor Vehicles Act, 1988 and Articles 301 to 304 of Constitution of India and consequently setaside the A.P.Motor Vehicles Taxation (Amendment) Act, 2010 in A.P.Motor Vehicles Taxation Act, 1963 and further direct the respondents to

release the drilling machine Boomer 281 of the petitioner which was seized on 28.05.2011 by the 4th respondent.

I.A. NO: 1 OF 2011(WPMP. NO: 18068 OF 2011)

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 Direct the respondents to release the drilling machine "Boomer 281" of the Petitioner seized on 28.05.2011 by the 4th respondent without insisting for payment of life tax.

**Counsel for the Petitioner: SR KAILASHNATH P.S.S., APPEARS FOR
SRI T. BALA MOHAN REDDY**

**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.15040 of 2011

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

Mr. Kailashnath P.S.S., learned counsel appears for
Mr. T. Bala Mohan Reddy, learned counsel for the petitioner.

Mr. M. Vigneswar Reddy, learned Government Pleader
for Transport appears for the respondents.

2. In this Writ Petition, the petitioner has prayed for the
following relief:

“.....to issue a writ of MANDAMUS or any other appropriate writ, order or direction declaring the proviso (iii) of Sub.Sec.2 of Sec.3 of A.P. Motor Vehicles Taxation (Amendment) Act, 2010 as illegal, arbitrary and contrary to Sec.3(1) of A.P. Motor Vehicles Taxation Act, 1963 and Sec.2(28) of the Motor Vehicles Act, 1988 and Articles 301 to 304 of Constitution of India and further declare the action of the fourth respondent in seizing the drilling machine “Boomer 281” at Tetagunta Check Post vide check report dated 28.05.2011 as illegal, arbitrary and without jurisdiction, violative of the provisions of the A.P. Motor Vehicles Act read with the A.P. Motor Vehicles Taxation Act, 1963 apart from being violative of Article 301 to 304 of the Constitution of India and consequently set aside the A.P. Motor Vehicles Taxation (Amendment) Act, 2010 in Andhra Pradesh Motor Vehicles Taxation Act, 1963 and further direct the respondents to release the

drilling machine "Boomer 281" of the petitioner which was seized on 28.05.2011 by the 4th respondent."

3. Learned counsel for the petitioner submits that the petitioner is undergoing the process of liquidation and therefore, he has no instructions to argue the matter.

4. In view of aforesaid submission, the Writ Petition is dismissed for want of prosecution with liberty to the Official Liquidator to seek revival of the Writ Petition, if so advised.

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

//TRUE COPY//

SD/- V. KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

- To,
1. One CC to Sri T. Bala Mohan Reddy, Advocate [OPUC]
 2. Two CCs to GP for Transport, High Court for the State of Telangana, at Hyderabad [OUT]
 3. Two CD Copies

TJ
BN

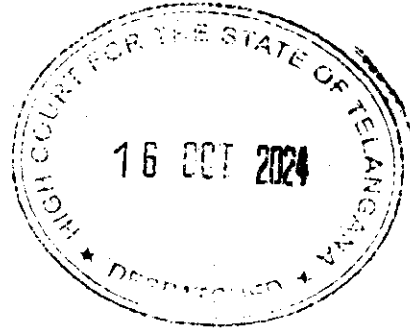
CHR

HIGH COURT

DATED:23/08/2024

ORDER

WP.No.15040 of 2011



**DISMISSING THE WRIT PETITION FOR WANT
PROSECUTION**

WITHOUT COSTS

⑥ CHER
28/9/24