

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

MONDAY, THE EIGHTEENTH DAY OF AUGUST,

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 21863 OF 2024

Between:

1. Trans Express Logistics, Rep.by its Proprietor, S Maddileti Reddy S/o Maddileti Reddy, aged about 35 Years, Occ-Business, R/o D.No.2-8-1-1, Main Road Arlagadda Village, Arlagadda Mandal, Kurnool District.
2. Ghaetre Transport, Rep. by its Proprietor, K Narasimha Reddy, S/o Kodanda Rami Reddy, Age- 41 years, Occ-Business, R/o. 3-706-23, Tailors Colony, Main Road, Tadipatri, Anantapur District

Petitioners

AND

1. The State of Andhra Pradesh, Rep., by its Principal Secretary, Transport, Road, and Buildings, Department, Secretariat, Velagapudi, Amaravati Capital City, Guntur District.
2. The Commissioner of Transport, Government of Andhra Pradesh, Vijayawada, NTR District.
3. The Deputy Transport Commissioner, and Registering Authority, Anantapuramu, Anantapur District.
4. The Motor Vehicles Inspector-1, Tadipatri, Anantapuramu District

Respondents

Petition under Article 226 of the Constitution of India, is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court

may be pleased to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing proceedings vide Memo. R.No.919/A1/2024 dated 13.08.2024 directing the petitioners to pay quarterly tax of Rs.6,40,000 and difference of tax amount of Rs.87,50,930/- without conducting enquiry and without providing an opportunity of hearing to the petitioner, basing on the report submitted by the 4th Respondent, is arbitrary, illegal, in violation of Article 14 of the Constitution of India and also in violation of Principles of Natural and in violation of Vehicle check report No. AP402/JUN2024 /045336/0455049 and 045600 dated 11.06.2024 by the 3rd respondent and set aside the same and consequently direct the respondents 3 and 4 to release the petitioners private service vehicles bearing Nos. AP39TB2139, AP39TB3139 and AP39TB4139 seized under Vehicle check report No. AP402/JUN2024/045336, AP402/ JUN2024/ 0455049 and AP402/ JUN2024/045600 dated 11.06.2024 forthwith.

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Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 3 and 4 to release the petitioners Vehicles bearing Nos. AP39TB 2139, AP31TB 3139 and AP39TB4139 by suspending the proceedings vide Memo R.No.919/A1/2024 dated 13.08.2024 of the 3rd Respondent pending disposal of the above writ petition.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. SUBBA RAO KORRAPATI, Advocate for the Petitioners and of GP FOR ROADS & BUILDINGS, TRANSPORT, for the Respondents;

The Court made the following ORDER:

Heard Sri Subba Rao Korrapati, learned Counsel for the Petitioners and Sri Shaik Abdul Rasheed, learned Assistant Government Pleader for Roads & Buildings, Transport.

2. The present Impugned Order is passed by the Deputy Transport Commissioner and Registering Authority, Anantapuramu dated 03.07.2024 (Ex.P11).

3. Learned Counsel for the Petitioners would submit that this impugned Proceeding is in the nature of a Show cause Notice, wherein, in Sl.No.5 of the reference, there is a mention of a Report dated 27.06.2024, submitted by the Motor Vehicle Inspector, Tadipatri.

4. Learned Counsel for the Petitioners would submit that the foundation of the Show cause Notice dated 03.07.2024 is the Report to the Motor Vehicle Inspector, whereas, a copy of the said Report has not been furnished to the Petitioners.

5. He would submit that without furnishing the incriminating material to the Petitioners, the Petitioners would not be able to give a meaningful reply.

6. He would also submit that nonfurnishing of the incriminating material with regard to the alleged delinquency is a violation of the principles of natural justice.

7. When this Court has enquired with the learned Counsel for the Respondents, Sri Shaik Abdul Rasheed, learned Assistant Government Pleader appearing for the Respondents seeks time to obtain Written Instruction whether any Report and other incriminating material has been supplied to the Petitioners along with the Notice dated 13.08.2024 (Ex.15).

8. Prima-facie, this Court is of the opinion that the balance of convenience is in favour of the Petitioners.

9. There shall be a direction suspending the Impugned Proceeding dated 13.08.2024 bearing Memo No.R.No.919/A1/2024 (Ex.15), till the next listing.

10. List on 03.09.2025.

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Transport, Road, and Buildings, Department, The State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati Capital City, Guntur District. (by SPECIAL MESSENGER)
2. The Commissioner of Transport, Government of Andhra Pradesh, Vijayawada, NTR District.
3. The Deputy Transport Commissioner, and Registering Authority, Anantapuramu, Anantapur District.
4. The Motor Vehicles Inspector-1, Tadipatri, Anantapuramu District. (Addressee Nos. 2 to 4 BY RPAD)
5. One CC to Sri. SUBBA RAO KORRAPATI, Advocate [OPUC]
6. Two CCs to GP FOR ROADS & BUILDINGS, TRANSPORT, High Court Of Andhra Pradesh. [OUT]
7. One spare copy

JSS

HIGH COURT

GRKP, J

DATED:18/08/2025

LIST ON 03.09.2025.

ORDER

WP.No.21863 of 2024

DIRECTION

