

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 4772/2024

Container Corporation Of India Limited
-----Petitioner

Versus

The Secretary And Transport Commissioner
-----Respondent

For Petitioner(s)	:	Mr. Satish Kumar Khandelwal
For Respondent(s)	:	Mr. Surendar Singh Naruka, AAG assisted by Mr. Sachin Singh Rathore

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

08/04/2024

Heard.

Though earlier prayer for release of interim custody of the vehicle was rejected on the ground that it would tantamount to grant of main relief in the writ petition, learned counsel for the petitioner submits that as the entire exercise of the respondents in seizing petitioner's vehicle is towards recovery of road tax under Rajasthan Motor Vehicles Taxation Act, 1957, the petitioner at this stage is prepared to deposit the entire amount of tax on the condition of release of his vehicle.

Learned State Counsel opposes the prayer and submits that as earlier the Court was not inclined to grant interim relief, prayer for interim relief is liable to be rejected.

True it is that earlier prayer for grant of interim custody of the vehicle release was rejected, however, the change in the circumstances that the petitioner is prepared to deposit the entire

amount of tax which is demanded against him and which is under challenge in this petition.

Since the vehicle has been seized on the ground that the vehicle is a motor vehicle and liable to tax which is under challenge in this petition and at this stage, the petitioner is inclined to deposit entire amount of tax though under protest, we are of the view that at this stage, the vehicle may be released on interim custody in favour of the petitioner.

Accordingly, it is directed that on the petitioner depositing the tax as demanded from him, the vehicle shall be released on interim custody, subject to the condition that the petitioner shall not dispose off the vehicle without the leave of the Court.

List after four weeks.

(BHUWAN GOYAL),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

RAJAT/SUDEEPAK/C-1