

IN THE HIGH COURT OF JUDICATURE  
ANDHRA PRADESH  
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR  
&  
THE HON'BLE MR.JUSTICE D.APPA RAO

WRIT PETITION NO :8661 of 2006

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Dated: 31<sup>st</sup> July 2006.  
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Between:

S.Mahaboob Basha .. Petitioner

And

The Transport Commissioner,  
Office at BRKR Complex,  
Tank Bund, Hyderabad  
And another .. Respondents

**ORAL ORDER : (per JC,J)**

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Writ Petition is filed with the prayer as  
follows :  
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“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Certiorari, to call for the records pertaining to the Demand Notice dated 23.3.2006 bearing R.No. 3886/B2/04 on the file of the 2<sup>nd</sup> respondent and quash the

same as illegal, arbitrary and contrary to the Circular Memo issued by the 1<sup>st</sup> respondent dated 28.3.2003 bearing Memo No.10489/R2/2003, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case."

The petitioner is the owner of a vehicle Tata Sumo bearing Reg. No. AP04C 9342. The petitioner filed a Stoppage Report dated 4.5.2004 with the 2<sup>nd</sup> respondent intimating that the vehicle is not being claimed due to "major repairs". The respondent caused an enquiry into the matter and based on the report of the Motor Vehicle Inspector, Kadapa, came to the conclusion that there was no genuine stoppage of the plying of the vehicle and therefore by the impugned proceedings imposed a tax and also penalty calling upon the petitioner to pay the same within seven days. Challenging the same, the present writ petition is filed.

The question whether the petitioner's vehicle was in fact stopped as notified by him in the stoppage report dated 4.5.2004 is a question of fact and this Court in exercise of the power under Article 226 of the Constitution of India is wholly unsuited to go into the disputed questions of fact.

In the circumstances, we do not see any reason to entertain the writ petition and it is therefore dismissed. It is open for the petitioner to seek his

remedies as are available in law.

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31.07.2006