

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 23<sup>RD</sup> DAY OF JANUARY, 2001

P R E S E N T

THE HON'BLE MR.JUSTICE M.F.SALDANHA

A N D

THE HON'BLE MR.JUSTICE D.V.SHYLEEDRA KUMAR

WRIT PETITION NO.26401/1997(MVT)

BETWEEN

Revayya,  
S/o.Basyya,  
Major,  
Residing at  
Lingasur,  
Raichur Dist. ....PETITIONER

(By Sri.N.S.Rajanna, Advocate)

AND

1. State of Karnataka  
by its Secretary to Govt.,  
Department of Food & Transport,  
M.S.Building,  
Dr.Ambedkar Veedhi,  
Bangalore.
2. The Regional Transport Officer  
and Secretary, R.T.A. ....RESPONDENTS

(By Sri.B.Anand, Addl.Govt.Advocate)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to declare section 8-B of the Karnataka Motor Vehicles Act, 1957 is unconstitutional and lack of legislative

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competency and strike down the same since it is violative of Article 14 of the Constitution of India.

This Writ Petition coming on for hearing this day, SALDANHA J., made the following :

ORDER

We have heard the petitioner's learned counsel and the learned Govt. Advocate on merits.

2. The essential challenge in this petition is to the vires of Sec.8-B of the Karnataka Motor Vehicles Taxation Act, 1957. The Division Bench of this Court in the decision reported in ILR 2000(1) KAR 902 (SREE GAJANANA MOTORS TRANSPORT COMPANY LIMITED AND OTHERS vs. STATE OF KARNATAKA AND OTHERS) has up-held the validity of section 8-B and the ratio of that decision applies to the present case also. The challenge to the vires of Section 8-B will therefore no longer survive. As far as any other allegations or charges, which the authorities desire to level against



the petitioners are concerned, the authorities are free to institute whatever proceedings that the law may permit.

3. With these directions, the writ petition stands disposed of. No order as to costs.

Sd/- JUDGE

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Gng/-