

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 12th DAY OF JUNE 2001

Before:

THE HON'BLE MR.JUSTICE R.V.RAVEENDRAN

WRIT PETITIONS No.5107-5108/2001 (M.V.)

BETWEEN:

1. Sri.Jyotin C.Gandhi,
s/o.C.A.Gandhi, major,
Partner,
M/s.Shamalsha Girdhari Co.,
'Shivam Building',
Opp.Maxan Super Centre,
D.S.Marg, Meeramar,
Panaji - Goa 403 001.
2. Sri.Mahesh C.Gandhi,
s/o.C.A.Gandhi, major,
Rest - do - .. PETITIONERS

(By Sri.D.L.N.Rao, Adv.)

A N D:

1. The Inspector of Motor Vehicles,
The Office of R.T.O.,
Gadag.
2. The Inspector of Motor Vehicles,
The Office of R.T.O.,
Dharwad.
3. The Regional Transport Officer,
Dharwad District,
Dharwad. .. RESPONDENTS

(By Sri.B.H.Satish, G.P.)

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This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to quash vide Ann.F and G dated 23-1-2001 passed by R1 and R2.

This Writ Petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

ORDER

Issue rule.

2. These petitions are heard by consent and are disposed of by this order.

3. The petitioner No.1 claims to be the owner of L.M.V. bearing registration No.GA-01/C-6824. The petitioner No.2 claims to be the owner of L.M.V. bearing registration No.GA-01/C-5829. The said vehicles were stopped and checked by the Motor Vehicles Inspector attached to the Office of Regional Transport Office, Gadag, on 23-1-2001-at 11-00 A.M. and 5-30 P.M. respectively. On the ground that the drivers failed to produce the documents and proof of payment of tax and on the ground that the vehicles were plying regularly in the State of Karnataka without payment of tax due to the State, Enquiry/check Reports were issued as per Annexures-'F' and 'G'. The vehicles were also seized. Feeling aggrieved, the petitioners have

Rme

filed these petitions for quashing the Enquiry/check Reports (Annexures-'F' and 'G' dated 23-1-2001). They have also sought an interim direction to the respondents to release the vehicles.

4. This Court on 8-2-2001 directed the release of the said vehicles subject to furnishing of a Bank Guarantee for Rs.15,000-00 and subject to the final result of the writ petitions. In view of the above, all that requires to be done at this stage is to reserve the liberty to initiate action in accordance with law in pursuance with the Check/enquiry reports for the violations noted in the Check/enquiry reports. The Bank Guarantees, if any, furnished by the petitioners for obtaining release of the vehicles shall be extended for a period of one year to enable the respondents to complete the proceedings, if any, to be initiated by them in pursuance of the Check/enquiry reports.

Thus, both the petitions are disposed of.

Sd/- JUDGE

bss.