
(2004) 01 AHC CK 0095
In the Allahabad High Court
Case No : C.M.W.P. No. 89 of 2004

Mohd. Asif and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 28-01-2004

Acts Referred:

Uttar Pradesh Motor Vehicles Taxation Act, 1997 — Section 3, 5

Citation : (2004) 2 AWC 1086

Hon'ble Judges : Poonam Srivastava, J; M. Katju, J

Bench : Division Bench

Advocate : Satish Chaturvedi, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju and Poonam Srivastava, JJ.—Heard learned counsel for the parties.

2. The petitioner is challenging the impugned recovery which has been issued in pursuance of the assessment order under the U. P. Motor Vehicles Taxation Act, 1997.

3. The validity of the provisions of the aforesaid Act has been upheld by a Division Bench of this Court in Smt. Vidya Gupta v. State of U. P. and Ors. 2003 (1) UPTC. The aforesaid decision has been followed by another Division Bench of this Court in Sandhya Singh v. Taxation Officer-1, R.T.O., Mirzapur and Anr. in Writ Petition No. 32 of 2003 (Tax), decided on 16.1.2003.

4. Against the aforesaid decisions, the petitioners filed SLP in the Hon"ble Supreme Court. The order of the Hon"ble Supreme Court dated 5.12.2002 (Annexure-32 to the writ petition) reads as follows :

"Permission to file SLP granted.

Issue notice. No stay."

5. Thus, it appears that the Hon"ble Supreme Court was of the view that it is not

a fit case for staying the recovery. Hence obviously we cannot stay the impugned recovery in view of the Division Bench decisions of this Court and the order of the Hon''ble Supreme Court dated 5.12.2003.

6. Learned counsel for the petitioner has submitted that a large number of petitions of similar nature are pending in this Court and interim orders are continuing. We cannot appreciate this practice of some learned counsel of not allowing similar petitions to be listed when identical petitions have been dismissed by a Division Bench. We do not wish to comment on how this is managed in the Registry, but this happens very often, as everyone knows. We, therefore, direct that all such petitions of similar nature as the present petition and the petition in Vidya Gupta's case (supra) and Sandhya Singh's case (supra) whether pending before the Allahabad Bench or Lucknow Bench of this Court stand hereby dismissed by this judgment and interim orders in all such cases are vacated.

7. With the above observations, this petition is dismissed.