

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9216 of 2015

BETWEEN

M. Lachaiah and another.

... PETITIONERS

AND

The State of Telangana, Rep. by its Principal Secretary (Department of Revenue), A.P.
Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioners complain of seizure of Maxi Cab bearing No.AP 20X 0415. Petitioner No.1 is stated to be driver and Petitioner No.2 is stated to be the owner of the said vehicle. The said vehicle is stated to have been seized on 22.12.2014 by respondent No.2 on various reasons i.e., non-payment of tax, there being no fitness certificate, insurance certificate and pollution certificate including driving licence. Petitioners state that they have approached respondent No.3 by filing an application under Section 207 of the Motor Vehicles Act, 1988 (for brevity, "the Act") on 19.02.2014 seeking release of the vehicle, but no orders are passed so far.

3. Learned Government Pleader points out that the application is required to be under Section 448 of the Act.

4. However, the fact remains that the petitioner has made an application for release. Even assuming that the provision of law is not correctly shown by the petitioner, respondent No.3 has power to consider the application for release either under Section 207(2) or 448(b) of the Act and pass appropriate orders, as detaining the vehicle would not serve anybody's interest.

5. In view of the above, I deem it appropriate to direct respondent No.3 to consider petitioners' request, as aforesaid, and take appropriate decision in the matter. It is made clear that respondent No.3 is free to impose appropriate conditions if he considers for release of the vehicle. However, it is desirable that respondent No.3 shall pass appropriate orders, as directed above, within three days from the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

April 2, 2015

Lmv