

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.22444 of 2015

ORDER:

The petitioner is the owner of the Tractor & Trailer bearing Nos.AP 22W 8766 & AP 22 W 8767. The Assistant Motor Vehicles Inspector, Enforcement, Mahabubnagar District/third respondent herein seized the same on 01.07.2015 under a vehicle check report on the following grounds:

- “ (1) No proof of RC permit
- (2) No proof of tax for Q.E. 30-09-2015
- (3) No proof of FC, IC, PUCC.”

2. Heard Sri CH. Ravinder, Jwala, learned Counsel for the petitioner and learned Government Pleader for Transport.

3. The Motor Vehicles Act (for short 'The Act') and the Rules made thereunder prescribes the procedure for determination of lapses, if any, committed by the owners of the vehicle, and the consequences that flow from such determination.

4. According to the petitioner, notice under any provision of the Act has not yet been issued.

5. The question as to whether the lapse pointed out in the vehicle check report is true or not needs to be decided in the proceedings that may be initiated in accordance with the relevant provisions of law. Continued detention and seizure of the vehicle does not advance the purpose or interest of the respondents. On the other hand, it would expose to theft of parts and damage. The interest of the respondents can be protected by directing that the vehicle of the petitioner be released subject to certain conditions.

6. Hence, the Writ Petition is disposed of, directing that the respondents shall release the Tractor & Trailer bearing Nos.AP 22W

8766 & AP 22 W 8767 to the petitioner on the petitioner paying a sum of Rs.22,040/- (Rupees twenty two thousand forty only) towards the original tax. The petitioner shall also file an undertaking to the effect that he shall produce the Tractor & Trailer as and when necessary and that he shall not alienate the same in the meanwhile. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

Date:21.07.2015
grk

WRIT PETITION No.22444 of 2015

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Dated 21st July, 2015

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IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR
THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WRIT PETITION No.22444 of 2015

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Between:

G.Balappa, S/o Ashappa,
Aged about 35 years, Occ: Agriculture,
R/o.4-6-9, Gopalpet, Narayanpet,
Mahabubnagar, A.P.

... Petitioner

and

The State of Telangana
Represented by its Principal Secretary,
Transport Department,
Secretariat Building, Hyderabad and two others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 21st July, 2015

SUBMITTED FOR APPROVAL: 21st July, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

1. Whether Reporters of Local Newspapers
May be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? Yes/No
3. Whether Their Lordship wish to see the
Fair copy of the judgment? Yes/No

