

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

WRIT PETITION NO.28478 OF 2015

ORDER:

-

The petitioner is the owner of a vehicle bearing registration No. AP 16 TU 9596. The Motor Vehicles Inspector, Visakhapatnam, Visakhapatnam District – 3rd respondent herein seized the same on 23.07.2015 under a vehicle check report on the following grounds:

“Stopped and checked the above said vehicle while proceeding from Rajahmundry to Battili with forty one in all found that as per Xerox T.P. produced by the driver permit is from Palvoncha to Itchapuram empty and Itchapuram to Bhadrachalam and back to Itchapuram with passengers but the passengers were picked up at Battili (SKL) and went to Rajahmundry and going back to Battili and statement of passengers were recorded. Hence (1) Violation of permit route and plying with Andhra Pradesh and hence violation as Intra State Trip. (2) No proof of tax for A.P. hence liable at the rate of Rs.3675/- per seat tax which has been paid under T.P.VCR No.AP737/July, 2015/7202 has expired on 19.07.2015. (3) No passengers list produced.

2. Heard Sri E.Maruthi Raja, 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. According to the petitioner, notice under any provision of the Act has not yet been issued.
4. That 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 otherhand, 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.

5. Hence, the Writ Petition is disposed of directing that the respondents shall release the vehicle bearing No. AP 16 TU 9596 to the petitioner on the petitioner paying a sum of Rs.20,000/- (rupees fifteen thousand only). The petitioner shall also file an undertaking to the effect that he shall produce the vehicle as and when necessary and that he shall not alienate the same in the meanwhile. There shall be no order as to costs.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.

A.V. SESA SAI, J.

07th September, 2015

ss