

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

W.P.No.22914 of 2015

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ORDER:
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This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 3rd respondent in seizing and detaining petitioner's Tractor (Non-Transport) vehicle bearing Reg.No. AP-22-K-1707 under Vehicle Check Report 131586 dt.14-7-2015 without conducting any enquiry as being illegal and arbitrary and consequently direct the respondents herein to release the vehicle to the petitioner herein..”

2. Heard Sri A.Dattanand, learned counsel for the petitioner and the learned Government Pleader for Transport.

3. When the matter is taken up today, an objection is raised by the learned Government Pleader for Transport that the petitioner herein has the remedy of filing an application before the appropriate authority under the provisions of Section 207 (2) of the Motor Vehicles Act, 1988 and the said provision of law reads as under:

207. Power to detain vehicles used without certificate of registration permit, etc.—

(1)

(2) Where a motor vehicle has been seized and detained under subsection (1), the owner or person incharge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order release the vehicle subject to such conditions as the authority or officer may deem fit to impose.”

4. On noticing the same, the learned counsel for the petitioner herein has requested this Court to permit the petitioner herein to

5. For the aforesaid reasons, writ petition is disposed of, permitting the petitioner herein to make an application before the appropriate authority for release of the vehicle under Section 207 (2) of the Motor Vehicles Act, 1988, within a period of one week from the date of receipt of a copy of this order, and if such an application is filed by the petitioner herein within the time stipulated, the same shall be considered by the authorities and appropriate orders may be passed, within a period of one week thereafter. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No costs.

Date: 24.07.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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W.P.No.22914 of 2015

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Dated 24th July, 2015

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Date: 24.07.2015

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Between:

K.Shyamsunder Reddy s/o K.Krishna Reddy,
Aged about 43 years, Occ: Agriculture,
r/o Mucherlapally village, Midjil Mandal,
Mahaboobnagar District.

... Petitioner

and

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

... Respondents

DATE OF JUDGMENT PRONOUNCED: 24th July, 2015

SUBMITTED FOR APPROVAL: 24th 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