

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

WRIT PETITION No.18514 of 2015

ORDER:

The petitioner is the owner of a vehicle bearing registration No.KA 03 MM 4022. The Motor Vehicle Inspector, Chittoor, Chittoor District – the 4th respondent herein seized the same on 02-05-2015 under a vehicle check report on the following grounds:

“Stopped and checked the above said vehicle while proceeding from Vengareddipalle to Chittoor with engaging two persons are found as per the statement of the driver, the vehicle plying in A.P. since 2010 for Hayath Foods of A.P. So it attracts payment of life time tax and penalty since the vehicle continuously plying in A.P. RC, IC, DL., TT., and PUCC not produced.”

Heard Sri K.V.L. Narasimha Rao, learned counsel for the petitioner and learned Government Pleader for Transport.

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.

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.

Hence, the writ petition is disposed of, directing that the respondents shall release the vehicle bearing No. KA 03 MM 4022 to the petitioner on its paying a sum of Rs.10,000/- (Rupees ten thousand only). It shall also file an undertaking to the effect that it shall produce the vehicle as and when necessary, and that it shall not alienate the same, in the meanwhile. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

June 24, 2015

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June 24, 2015

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