

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.3368 of 2015

ORDER:

Heard.

The seizure of the petitioner's vehicle bearing registration No. AP-28-U-7928 by the 3rd respondent under vehicle cheque report No.1146408, dated 09-02-2015, is questioned in this writ petition. The seizure report shows that when the vehicle was stopped and checked, it was found without R.C., permit, tax, fitness certificate, driving licence etc. The petitioner, while denying the allegations in the cheque report, states that it made an application before the 2nd respondent on 10-02-2015 seeking release of the vehicle stating that all the relevant records were available at the time of checking the vehicle; and the said application is said to be pending before the 2nd respondent.

Since the allegations in the vehicle report are disputed by the petitioner, it is a matter to be considered in the enquiry. Therefore, the 2nd respondent is directed to consider the petitioner's application, dated 10-02-2015 and after satisfying himself that the petitioner's vehicle has requisite documents, release the vehicle in question subject to imposition of appropriate conditions, within three days from the date of receipt of a copy of this order. However, the assessment proceedings may go on, but however, the penalty imposed on the petitioner shall not be recovered for a period of 30 days, as the petitioner has an opportunity to prefer an appeal against imposition of penalty.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 18-02-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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18-02-2015