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

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Writ Petition No.23163 of 2015

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Between:

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Omkar Durga Samba Siva Rao Samireddi

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...Petitioner

and

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The State of Andhra Pradesh, rep. By its Principal Secretary,
Transport Department, Secretariat, Hyderabad
and others

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...Respondents

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Dated 27-07-2015

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SUBMITTED FOR APPROVAL:

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

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1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No

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2. Whether the copies of judgment may be
marked to Law Reporters/Journals ? Yes/No

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3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

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THE HON'BLE SRI JUSTICE A.V. SESA SAI
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Writ Petition No.23163 of 2015

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ORDER:

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_____ The petitioner is the owner of a vehicle bearing registration No.AP 16 TD 0061. The Assistant Motor Vehicles Inspector, Vijayawada, the 3rd respondent herein, seized the same on 11-06-2015, under a vehicle check report, on the following grounds:

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1. "No proof of tax, FC, IC, PUC and DL."

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Heard Sri Rajanikanth Jwala, learned counsel for the petitioner and learned Government Pleader for Transport.

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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.

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

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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.

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Hence, the writ petition is disposed of, directing that the respondents shall release the vehicle bearing No. AP 16 TD 0061 to the petitioner on the petitioner paying a sum of Rs.15,000/- (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.

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The miscellaneous petitions, if any, filed in the writ petition, shall also stand disposed of. There shall be no order as to costs.

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A.V. SESA SAI, J.

Dt.27-07-2015.

Note: *cc in three days.*
(B/O) KO