

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

Writ Petition No.17919 of 2015

ORDER:

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

“to issue a Writ of Mandamus declaring the action of the 4th respondent in detained the Tractor bearing No.TS-01-EC-3477 along with Trailer bearing No.AP-24-X-5901 of the petitioner dated 02-06-2015 as illegal, arbitrary, right to hold the property as guaranteed under the Constitution of India and consequently direct the 4th respondent to release the Tractor bearing No.TS-01-EC-3477 along with Trailer bearing No.AP-24-X-5901 of the petitioner and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

2. When the matter is called today, the learned Government Pleader for Home has placed on record the written instructions furnished by the Sub-Inspector of Police, Avanigadda Police Station, Krishna District, wherein it is stated that on 02.06.2015 the driver of the tractor and trailer bearing Nos.TS-01-EC-3477 and AP-24-X-5901 respectively came from Nagayalanka and proceeding towards Avanigadda RTC bus stand centre in a rash and negligent manner and therefore, the Sub-Inspector, Avanigadda and his staff stopped the said tractor and trailer at Government Hospital, Avanigadda. The driver (Khaitepalli Veeraiah) produced Photostat copies of certain documents, which are not useful. It is further stated that police asked the driver to keep the said tractor and trailer in the police station till furnishing the ownership documents etc. Accordingly, the said tractor and trailer were kept at Avanigadda Police Station. It is further stated that police issued the vehicle check report on 02.06.2015 to the said driver and a copy of the same was also submitted to the Regional Transport Officer, Guduwada. It is further submitted that a detailed report was submitted to the Motor Vehicle Inspector, Guduwada to take

necessary action against the owner and driver of said tractor and trailer.

It is submitted by the learned Government Pleader for Home that it is open for the petitioner to make an application under the provisions of Section 207 of Motor Vehicles Act.

In view of the above provision of law, this writ petition is disposed of, keeping it open for the petitioner herein to file an application under the provisions of Section 207 of Motor Vehicles Act and on such application being filed, the same shall be disposed of, in accordance with law, within a period of one week from the date of filing of such application. Miscellaneous Petitions, if any pending in this writ petition shall stand closed. However, there shall be no order as to costs.

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A.V. SESA SAI, J

Date: 29.06.2015

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