

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

WRIT PETITION No.27015 of 2015

ORDER:

The petitioner is the owner of a vehicle bearing registration No.KA-56-0888. The 3rd respondent herein seized the same on 22-08-2015 under a vehicle check report on the following grounds:

"1. On enquiry with the passengers, it is revealed that they are traveling from different places with different fares for different purposes without any implied contract between owner/driver, hence, found plying as a Express Stage Carriage from Pune to Hyderabad;

2. The Driver failed to produce original R.C., permit, I.C., F.C., PUC, Tax Proof of Telangana State for Q.E. 30-09-2015;

3) the seating capacity of the vehicle is 40+1."

Heard Sri B. Siva Ramakrishnaiah, 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 part 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-56-0888 to the petitioner on his paying a sum of Rs.25,000/- (Rupees twenty five thousand only). He 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. There shall be no order as to costs.

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

A.V. SETHA SAI, J

August 25, 2015
Note: Furnish C.C. in
two (2) days. B/o.Pn

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