

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

W.P.No.14404 of 2015

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ORDER:

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The petitioner is the owner of a vehicle bearing registration No.AP 04/ V.2988. The Assistant Motor Vehicle Inspector, Regional Transport Authority, Hyderabad Central Zone, Hyderabad-3rd respondent herein seized the same on 8.5.2015 at 5.15 a.m. under a vehicle check report on the following grounds:

1. "On my physical enquiry with passengers, it is revealed that they are proceedings from Proddatur to Hyderabad by paying fare of Rs.600/- per seat and travelling with different purposes and there is no implied or explicit contract between the passengers and permit holder. Hence, plying as express stage carriage.
2. It attracts different of Tax for Q.E. 30/6/15.
3. As per permit produced, the vehicle should ply only in YSR Kadapa district only. But found plying in Telangana State. Hence, without Telangana Road Tax".

2. Heard Sri E.Maruthi Raja, learned counsel for the petitioner and learned Government Pleader for Transports.

3. 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.

4. 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.

5. Hence, the writ petition is disposed of, directing that the respondents shall release the vehicle bearing No. AP 04/ V.2988 to the petitioner on his paying a sum of Rs.20,000/- (Rupees twenty 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.SESHA SAI, J

Date: 14.5.2015

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Date: 14.5.2015

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Between:

B.Sunil Kumar Reddy

... Petitioner

and

State of Telangana, rep. by its
Principal Secretary, Transport, R & B Department,
Telangana Secretariat, Hyderabad & others.

... Respondents