**THE HON'BLE SRI JUSTICE A. RAJASHEKHER REDDY**

**WRIT PETITION No.5894 of 2015**

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Between:

O. Devaraj

PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Transport Department, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

**ORDER:**

This writ petition is filed to declare the seizure of the petitioner's vehicle (Tractor) bearing No.AP 01 L 0391 vide vehicle Check Report No.1381870 dated 20.02.2014, as illegal and arbitrary, and consequently to direct the 2nd respondent to release the petitioner's vehicle.

The case of the petitioner is that he is the owner of Tractor bearing No.AP 01 L 0391. The vehicle was sent to Mechanic shed for repairs. After completion of repairs on 20.02.2014, when the vehicle was on trial run, the same was seized by the 3rd respondent vide vehicle check report NO.1381870 alleging that the relevant documents of the vehicle are not produced and there is no proof of tax payment. The petitioner approached the 2nd respondent for release of vehicle but he did not accede to his request on the ground that unless the enquiry is completed the vehicle cannot be released. It is his grievance that though more than one year has been elapsed no enquiry has been commenced yet. Therefore, the petitioner submitted an application under Section 448 (b) of the Motor Vehicles Act on 13.02.2015 to the 2nd respondent. As no orders are passed on the said application, the present writ petition came to be filed.

Learned counsel for the petitioner submits that at the time of seizure the 2nd respondent orally informed to the petitioner that for non-payment of tax the vehicle was seized and unless the entire tax is paid the vehicle cannot be released. The learned counsel also submits that according to Section 10 of the A.P. Motor Vehicles Taxation Act and as per G.O.Ms.No.9, dated 16.10.2014 tractors and trailers used for agricultural purposes are exempted for payment of tax. Since the vehicle of the petitioner is a non-transport vehicle and is being used for agricultural purposes, the same is exempted from payment of tax and the application submitted by the petitioner before the 2nd respondent for release of vehicle is still pending and no orders are passed so far.

On the other hand learned Government Pleader for Transport submits that since the petitioner has not produced the documents, viz., Insurance Certificate, Pollution Control Check and Driving Licence, the vehicle was not released and as and when the petitioner submits the above mentioned documents, the vehicle can be released after collecting compounding fees.

Having regard to the fact that the vehicle of the petitioner is non-transport vehicle and the same is used only for the purpose of agricultural operations, payment of tax by the petitioner does not arise as the same is exempted under Section 10 of the Motor Vehicles Taxation Act and G.O.Ms.No.9, dated 16.10.2014 but the petitioner has to produce all the relevant documents before the 2nd respondent.

Therefore, the writ petition is disposed of directing the 2nd respondent to release the vehicle of the petitioner on production of Insurance Certificate, Pollution Control Check and Driving Licence, after collecting compounding fees. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

**A. RAJASHEKHER REDDY, J.**

12th March, 2015
Js.

Note: Issue C.C. tomorrow