

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

WRIT PETITION NO.29405 OF 2015

ORDER:

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The petitioner is the owner of a vehicle bearing registration No. AP 28 TA 4347. The Assistant Motor Vehicles Inspector, Dachepalli Check Post, Guntur District – 3rd respondent herein seized the same on 29.08.2014 under a vehicle check report on the following grounds:

“Stopped and checked the above said vehicle while proceeding to Chirala from Hyderabad with a load of 0 and found the following irregularities:
No proof of Tax Payment.”

2. Heard Sri Rajanikanth Jwala, learned counsel for the petitioner and learned Government Pleader for Transport.
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. According to the petitioner, notice under any provision of the Act has not yet been issued.
4. That 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 otherhand, 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.
5. Hence, the Writ Petition is disposed of, directing that the

respondents shall release the vehicle bearing No. AP 28 TA 4347 to the petitioner on the petitioner paying a sum of Rs.25,000/- (rupees twenty five 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. There shall be no order as to costs.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.

A.V. SESA SAI, J.

10th September, 2015
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