

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT PETITION No. 17908 OF 2015

Date: 19.06.2015

Between:

Ch. Krishna Reddy

... Petitioner

And

The Joint Transport Commissioner & Secretary, RTA,
RTA Complex, Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT PETITION No. 17908 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

The petitioner's Electronic Sensor Paver Vogeles – Machine – Model Super 1800-2 with AB-600-2 TV Screed has been seized by the 2nd respondent in exercise of the powers under Section 207 of the Motor Vehicles Act, 1988. Petitioner contends that seizure of the machine is not permissible under the provisions of Section 207 since it is not a vehicle.

Learned counsel for the petitioner fairly states that the petitioner has already made an application under Rule 448-B of the A.P. Motor Vehicles Rules, 1989 seeking release of the machine contending that it is a machine and not a vehicle. The application made under Rule 448-B, dated 01.06.2015 (P6) is pending.

We have perused the application dated 01.06.2015, and we find that there is no reference made therein to Rule 448-B of the Rules describing it as an application under this provision. Even if that be so, the fact remains that petitioner has addressed a letter/application to the concerned authority dated 01.06.2015 (P6), which, in our opinion, can be directed to be treated as an application under Rule 448-B of the Rules, with further direction to dispose it of within timeframe. Learned counsel for the petitioner has also agreed for adopting such course. Hence, we dispose of this petition by the following order:

“The 1st respondent shall endeavor to consider and decide the petitioner’s application dated 01.06.2015 (P6), treating it to be an application under Rule 448-B of the Rules, on merits in accordance with law, as expeditiously as possible and preferably within a period of three weeks from the date of receipt of this order. Petitioner is directed to communicate this order to the 1st respondent on or before 23.06.2015. It is made clear that if for any reason it is not possible for the 1st respondent to consider and decide the petitioner’s application dated 01.06.2015 within the stipulated time, it is open to the petitioner to make an application for appropriate interim order, including for release of the vehicle on such terms and conditions as the 1st respondent deems fit and proper. If any such application is made, we hope and trust that the 1st respondent shall consider the same in proper perspective and shall pass an order within a period of seven days from the date of such application.”

With these observations, writ petition is disposed of. It is made clear that we have not examined petitioner’s case on merits.

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 19.06.2015
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