

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

WRIT PETITION NO.23332 OF 2015

ORDER:

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The petitioner is the owner of a vehicle bearing registration No. AP 28TD 3222. The Assistant Motor Vehicles Inspector, Regional Transport Authority, Hyderabad Central Zone, Hyderabad-third respondent herein seized the same on 12.03.2015 under a vehicle check report on the following grounds:

1. W/o. Tax proof of Q.E. 31.03.2015
 2. R.C not produced.
 3. Permit, FC, I.C., PVC not produced.
 4. D.L. not produced.
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.
4. According to the petitioner, notice under any provision of the Act has not yet been issued.
5. 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.

6. Hence, the Writ Petition is disposed of directing that the respondents shall release the vehicle bearing No. AP 28TD 3222 to the petitioner on the petitioner paying the admitted tax. It is also made clear that, so far as the penalty is concerned, it is open for the petitioner to make a representation before the authorities and the same be considered by the authorities, in accordance with law. 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. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V. SESA SAI, J.

28th July, 2015

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