

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

WRIT PETITION No.12123 of 2015

ORDER:

Heard Sri K. Durga Prasad, learned counsel for the petitioners and learned Government Pleader for Transport.

When the matter is called an order, dated 15-05-2013 passed by this Court in identical circumstances in writ petition No.14808 of 2013 is placed on record by the learned counsel for the petitioners. This Court is inclined to dispose of this writ petition also in the same lines.

The Tractor bearing registration No.TS.16A.TR.7303 and the trailer bearing registration No.AP.25.W.4856 belonging to the petitioners 1 and 2 respectively were seized by the third respondent herein vide check report, dated 17-04-2015 on the following grounds:

1. Tractor and trailer registration make not exhibited.
2. No proof of tax papers.
3. Plying without fitness.
4. Plying without permit.
5. Plying without insurance.
6. Plying without d/2.

The above check report alleges certain irregularities said to have been committed by the petitioners herein. The liability of the petitioners in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 3rd respondent till such proceedings take place, not only the petitioners would be put to irreparable loss, but also the vehicles would be exposed to danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the

petitioners to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that:

- a. the Tractor of the 1st petitioner bearing registration No.TS.16A.TR.7303 shall be released to the 1st petitioner on depositing a sum of Rs.1,000/- (Rupees one thousand only);
- b. the Trailer of the 2nd petitioner bearing registration No.AP.25.W.4856 shall be released to the 2nd petitioner on depositing a sum of Rs.5,000/- (Rupees five thousand only);
- c. the petitioners shall also furnish undertaking to the effect that they will not alienate the vehicles till the proceedings in pursuance of the check report are finalized and that they will produce the vehicles as and when required;
- d. the petitioners shall be entitled to ply the vehicles, if only they are covered by the necessary documents; and
- e. the petitioners shall not be entitled to use the vehicles unless they are registered.
- f. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

April 23, 2015

Note: Furnish C.C. in

three (3) days. B/o.PN

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