

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

WRIT PETITION No.31959 of 2015

ORDER:

The petitioners are the owners of tractor and trailer bearing registration Nos.TS 06 EB 7246 and AP 22 U 7999. The Assistant Motor Vehicles Inspector, r/o.Dy. Transport Commissioner, Kurnool – 4th respondent herein seized the same on 10-09-2015 under a vehicle check report on the following grounds:

1. w/o. RC
2. w/o. FC
3. w/o. IC
4. w/o. PUC
5. w/o. DL
6. w/o. Tax proof and wrong combination

2. Heard Sri K. Venkatesh Gupta, learned counsel for the petitioners 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 petitioners, 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 other hand, it would expose to theft of parts and damage. The interest of the respondents can be protected by directing that the vehicle of

the petitioners be released subject to certain conditions.

5. Hence, the Writ Petition is disposed of directing that the respondents shall release the tractor and trailer bearing registration Nos.TS 06 EB 7246 and AP 22 U 7999 to the petitioners on the petitioners paying the admitted tax. The petitioners shall also file an undertaking to the effect that they shall produce the vehicle as and when necessary and that they shall not alienate the same in the meanwhile.

6. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

October 01, 2015

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