

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

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

WRIT PETITION No.166233 of 2015

BETWEEN

Arikela Srinivas Reddy

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary (Department of Home), Secretariat Buildings, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India with the following relief:

“to issue an appropriate Writ, Order of Direction, more particularly on in the nature of Writ of Mandamus, to declare the action of the respondent No.2 in not releasing the petitioner’s Lorry bearing Reg.No.AP-28-TA-9419 in spite of the release orders issued by the 3rd respondent, dated 08.06.2015, as being illegal, arbitrary and unjust, and consequently direct the respondent No.2 herein to issue the vehicle to the petitioner.”

2. Heard Sri M.Bhushan Reddy, learned counsel for the petitioner, and learned Government Pleader for the respondents, apart from perusing the material available before the court.

3. Petitioner herein states that he is the registered owner of the Lorry bearing No.AP-28-TA-9419, having purchased the same by availing financial assistance from a private financier i.e., Sri Pragathi Auto Finance, Medak District, and eaking out his livelihood from out of the income derived from the said vehicle. It is also stated that the said vehicle was engaged by one A.J.Reddy, Sand Contractor, for transportation of sand on 08.06.2015 and the sand was loaded on the petitioner’s vehicle and when the said vehicle reached Narayankhed, respondent No.3-Motor Vehicle Inspector, Zaheerabad, Medak District, intercepted the said vehicle, alleging overload of the sand and prepared the vehicle check report dated 08.06.2015 bearing No.2518171 and directed the petitioner to pay a sum of Rs. 16,790/- towards charges for the said overload and seized the vehicle and handed over the vehicle to the respondent No.2-Station House Officer, Silgapur Police Station, for safe custody. It is further averred in the writ affidavit that pursuant to the vehicle check report dated 08.06.2015, petitioner paid an amount of Rs.16,790/- towards charges for overload of sand and approached respondent No.3 and submitted a copy of the receipt of payment of the said amount and made a request to give necessary information to respondent No.2 to release the vehicle. It is also stated that respondent No.3, Motor Vehicles Inspector, in turn, vide his letter addressed to respondent No.2 informed about the receipt of the charges for overload and requested to release his vehicle.

4. The grievance in the present writ petition is despite approaching the respondent No.2 and submitting the copy of the letter given by respondent No.3, Motor Vehicles Inspector, respondent No.2, Station House Officer, did not take any action for release of the vehicle. It is the further grievance of the petitioner herein that his vehicle is lying in the premises of respondent No.2-Station House Officer since 08.06.2015 and is exposed to natural calamities and in the event of the same being kept idle for some time, there is every apprehension that the vehicle would get damaged.

5. Today when the matter is taken up, written instructions dated 15.06.2015 furnished by the Sub-inspector of Police, Silgapur Police Station, respondent No.2 herein, have been placed on record by the learned Government Pleader and penultimate paragraph of page 1 of the instructions reads as under:

“This respondent personal enquiries revealed that on the same day i.e., 6.6.2015 similar other vehicles were raided like the petitioner herein and addressed the letters to the Motor Vehicles inspector as well as the Asst. Director of Mines and Geology, Medak at Sangareddy District. Except the petitioner herein, all the other vehicle owners paid the compounding fee as ordered by the Motor Vehicles inspector and the Asst. Director of Mines and Geology. Accordingly, this respondent released those vehicles after perusal of the necessary receipts except the petitioner's lorry.

6. Along with the said instructions, the letter dated 08.06.2015 addressed by the Motor Vehicles Inspector to the Station House Officer, respondent No.2 herein is also enclosed and the said letter reads as under:

“With above reference cited, the owner has paid the compounding fee U/s.200 M.V.Act. Hence please release the vehicle (AP 28 TA 9419) after taking proper acknowledgment from owner/Driver.

Received on 08.06.2015 at 20:00 hours.”

7. Since there is no dispute with regard to the receipt of the letter by respondent No.2 herein from respondent No.3 Motor Vehicles Inspector, this court deems it appropriate to direct respondent No.2 herein to take action in terms of the said letter dated 08.06.2015 addressed by respondent No.3, Motor Vehicles Inspector.

8. For the aforesaid reasons, writ petition is disposed of, directing respondent No.2 herein to take appropriate action for release of the vehicle of the petitioner bearing No.AP 28 TA 9419 pursuant to the letter dated 08.60.2015 addressed by the Motor Vehicles Inspector, within a period of two days from the date of receipt of a copy of the order.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

June 16, 2015

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