

HONOURABLE SRI JUSTICE A. V.SESHA SAI

WRIT PETITION No. 18343 of 2015.

ORDER:

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The petitioner is the owner of a vehicle bearing registration No. KA-39-6116. The Assistant Motor Vehicle Inspector, Hyderabad Central Zone, Hyderabad- third respondent herein seized the same on 06.06.2015 under a vehicle check report on the following grounds:

“ On enquiry with the passengers, it is revealed that there is no implied contract between the owner or Driver of the vehicle and passengers and are travelling on different purposes, found that plying as Express Stage Carriage.(2) On physical verification, the seating capacity is 48 + 1, but on photocopy of R.C. Produced, the seating capacity is 32 + 1. Hence fitted 16 seats unauthorizedly, altering seating capacity. (3) Permit, D.L., P.U.C., I.C., R.C., not produced (4) No proof of tax produced for Q.E. 30.06.2015.”

Heard Sri B.Siva Rama Krishnaiah, learned Counsel for the petitioner and learned Government Pleader for Transport.

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 petitioner, notice under any provision of the Act has not yet been issued.

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 petitioner be released subject to certain conditions.

Hence, the Writ Petition is disposed of directing that the respondents shall release the vehicle bearing No.KA-39-6116 to the petitioner on the petitioner paying a sum of Rs.20,000/- (Rupees twenty thousand only). 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.

JUSTICE A.V. SETHA SAI

Dated 23rd June, 2015.
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