

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION NO. 25212 OF 2015

Between:

B. Naganna & Anr. ... Petitioner

V/s.

The State of Andhra Pradesh
Represented by its Prl.Secretary,
Transport Roads & Buildings Department,
AP Secretariat Buildings,
Hyderabad & Ors. ... Respondents

DATE OF JUDGMENT PRONOUNCED : 12/08/2015

SUBMITTED FOR APPROVAL

HONOURABLE SRI JUSTICE A.V. SETHA SAI

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| 1. Whether Reports of Local Newspapers
May be allowed to see the judgment ? | Yes/No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals | Yes/No |
| 3. Whether his Lordship wish to see the fair
Copy of the judgment ? | Yes/No |

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WEDNESDAY THE TWELVETH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 25212 OF 2015

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V/s.

The State of Andhra Pradesh
Represented by its Prl.Secretary,
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AP Secretariat Buildings,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri E. Maruthi Raja

Counsel for the Respondents: GP for Transport [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 25212 OF 2015

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ORDER:

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This writ petition is filed under Article 226 of the Constitution of India for the following relief :

To declare the action of respondents in seizing and detaining the first petitioner's Tractor bearing registration No. AP-02 W-6036 along with the second petitioner's trailer bearing registration No. AP-02 AG-1055 pursuant to the vehicle check report No. 315109, dated 04/08/2015 of the third respondent as illegal, arbitrary and contrary to law and consequently to direct the respondents to release the said tractor-trailer to the petitioners 1 and 2 respectively forthwith and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.

2. The first petitioner is the owner of tractor bearing registration No. AP-02 W-6036 and the second petitioner is the owner of trailer bearing registration No. AP-02 AG-1055. The third respondent seized the same on 04/8/2015 under vehicle check report No. 315109 on the following irregularities:

- (1) Records not produced for tractor and trailer.
- (2) R.C. of tractor not exhibited.

3. Heard Sri E.Maruthi Raja, learned counsel for the petitioners and learned Government Pleader for Transport.

4. 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.

5. The 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.

6. Hence, the writ petition is disposed of, directing that the respondents shall release the tractor bearing No. AP-02 W-6036 along with trailer bearing registration No. AP-02 AG-1055 to the petitioners 1 and 2 on their paying a sum of Rs. 5,000/- [Rupees Five Thousand only]. They shall also file an undertaking to the effect that they shall produce the tractor and trailer as and when

necessary and that they shall not alienate the same, in the
meanwhile. There shall be no order as to costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

12/08/2015
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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WRIT PETITION NO. 25212 OF 2015

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Date:12/08/2015
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