

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

WRIT PETITION No.22493 of 2015

ORDER:

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

“To issue an appropriate writ, order or direction more preferably one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not releasing the petitioner's contract carriage Vehicle R No. AP 16 W 2233 which was seized under vehicle check Report No.A.771465, dt.10-04-2015 by the 3rd respondent, as per law laid down by the Hon'ble Court as illegal, arbitrary, unjust and consequently direct the 2nd respondent to forthwith release the petitioner's contract carriage vehicle R. No. AP 16 W 2233.”

2. Heard Sri Rajanikanth Jwala, learned counsel for the petitioner and the learned Government Pleader for Transport for the respondents.

3. According to the petitioner, he purchased a vehicle bearing registration No.AP 16 W 2233 under Hypothecation Agreement dated 25.03.2015 and the said vehicle is having the seating capacity of 40 in all and registered as a contract carriage on the rolls of the second respondent/registering authority and the vehicle is covered by valid Registration Certificate, Carriage Permit valid up to 26.03.2020, Insurance certificate valid up to 30.03.2016, pollution under control certificate valid up to 20.05.2015, fitness certificate up to 17.03.2016 and valid payment of prescribed tax up to the period Q.E.31.03.2015. According to the petitioner, he has no other source of income and his entire family members are solely dependant on the subject vehicle. It is also the case of the petitioner herein that he is a new entrant in the transport business and he gave his contract carriage vehicle on lease on 01.04.2015 for a period of one year to one Sri V.Rajender s/o Balaiah of Ramagundam, Karimnagar District and on the same day he handed over the physical possession of the vehicle

for utilization of the vehicle in accordance with law.

4. While the things being so, the third respondent/Motor Vehicles Inspector, Ramagundam, Karimnagar District, seized the said vehicle alleging the following irregularities:

“On creditable information it is learnt that two vehicles are plying with same (one) Regn number in Godavari khani and Kothagudem area, the Regn number is AP 02 U 0414 Cc Bus. Along with our RTO checked the vehicle AP 02 U 0414 and issued VCR No.771464 in Godavari Khani area and another vehicle with same number, was issued by Kothagudem MVI simultaneously, on verification of the chasis No. of AP02U0414, it is found as JXE 367656. We have noticed one vehicle with this Regn No.AP16W2233 was parked in front of the residence of V.Rajender, Bus operator and on verification chasis is found as JXE 367656. Hence, the same chasis No two vehicles are plying by cheating Telangana Government without payment of proper tax (avoiding tax for one vehicle). Hence, seized the vehicle for further investigation and for detailed enquiry.”

5. The petitioner herein on 11.05.2015 submitted an application to the Deputy Transport Commissioner and Secretary, Regional Transport Authority, Karimnagar District/second respondent herein under Section 207 (2) of Motor Vehicles Act, 1988 read with Rule 448 (A) and (B) of A.P. Motor Vehicles Rules, 1989, seeking release of the subject vehicle. According to the petitioner, the said application is still pending before the second respondent herein and no orders have been passed by the second respondent so far on the said application.

6. Taking into consideration, the totality of the circumstances, this Court is of the considered opinion that the ends of justice would be met if a direction is given to pass appropriate orders on the said application by fixing some time frame.

7. For the aforesaid reasons and having regard to the nature of controversy, this writ petition is disposed of, directing the Deputy Transport Commissioner and Secretary, Regional Transport Authority, Karimnagar District/second respondent herein, to pass appropriate orders on the application dated 11.05.2015, submitted by the petitioner

herein for release of the vehicle bearing registration No.AP 16 W 2233, in accordance with law, after giving notice and opportunity to the petitioner herein, within a period of one week from the date of receipt of this order. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

Date:21.07.2015

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WRIT PETITION No.22493 of 2015

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Dated 21st July, 2015

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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR
THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
WRIT PETITION No.22493 of 2015**

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Between:

Pegada Shankar S/o Sri Mallaiah,
Aged about 29 years, Hindu,
Occ: Bus Owner, R/o H.No.7-2-533/299,
Ganga Nagar, Ramagundam,
Karimnagar District.

... Petitioner

and

The State of Telangana,
Represented by its Principal Secretary,
Transport Department, Secretariat,
Hyderabad and two others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 21st July, 2015

SUBMITTED FOR APPROVAL: 21st July, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

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| 1. Whether Reporters 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 Their Lordship wish to see the
Fair copy of the judgment? | Yes/No |