

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

WRIT PETITION No. 33474 OF 2015

ORDER:

The petitioner is the owner of the Tractor & Trailer bearing Nos.AP 01V 4281 and AP 01V 4278. The Assistant Motor Vehicles Inspector, Adilabad, Adilabad District/third respondent herein seized the same on 05.10.2015 under a vehicle check report on the following grounds:

- “ (1) No proof of tax
- (2) No proof of R.C., I.C. and P.U.C.
- (3) Non-production of D.L.”

Heard 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.

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.

Hence, the Writ Petition is disposed of, directing that the respondents shall release the Tractor & Trailer bearing Nos. AP 01V 4281 and AP 01V 4278 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 Tractor & Trailer as and when necessary and that he shall not alienate the same in the meanwhile. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand dismissed.

A.V.SESHA SAI, J.

9TH October, 2015

Note: Furnish C.C. in two days.

(b/o)

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