

HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.7326 of 2015

ORDER:

Petitioner complains that respondent No.2 is not releasing his vehicle bearing No. AP 28 TD 3249 seized by respondent No.3 under check report No.125506, dated 12.03.2015, by following the ratio laid down in the decision of this Court in **Saleem Tours and Travels Vs. Joint Transport Commissioner and Secretary, RTA, Hyderabad and another**^[1].

It is evident from the averments of the petitioner himself that he has not filed any application seeking release of the vehicle by approaching the competent authority. In the strict sense, no mandamus can be sought unless there is a demand and refusal. Since the petitioner has not applied for release, the action of respondent No.2 in not releasing the vehicle cannot be questioned by him in this writ petition.

Learned Government Pleader for Transport (Telangana), on instructions, submits that the vehicle was seized while proceeding from BHEL to Bowrampet with 30 passengers and no documents whatever were found in the vehicle. Hence, the vehicle was seized under Section 207 of the Motor Vehicles Act, read with Section 8 of the T.M.V.T. Act and is kept at Miyapur Depot for safe custody and there is a pending demand for tax and penalty for two quarters.

Since the petitioner seeks release of the vehicle, it is for him to make appropriate application by approaching respondent No.2 and if such an application is made by him, respondent No.2 shall consider the same in accordance with law and pass appropriate orders, preferably within a week from the date of receipt of the application.

Writ petition is accordingly disposed of.

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

VILAS V. AFZULPURKAR, J

Dt:23.03.2015

kdl

^[1] 2000 (4) ALD 501 (DB)