

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

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W.P.No. 26580 of 2015

ORDER:

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The petitioner is the owner of a vehicle bearing registration No.AP-01-Y-6729. The 3rd respondent herein seized the same on 18-08-2015 under a vehicle check report No.0361532, while it was proceeding from Kasipet (Mdl), Adilabad to Dichpally, Nizamabad with a load of 440 bags of cement alleging the following irregularities:

“(1) No proof of tax payment from 30.09.2011; (2) FC on 09.11.2014; (3) ICN IP; and (4) PUC.”

2. Heard Sri D.L. Pandu, learned counsel for the petitioner and learned Government Pleader for Transport.

3 The Motor Vehicles Act, 1988 (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 to him.

4. The question as to whether the lapses 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.

5. Hence, the writ petition is disposed of, directing that the

A.V.SESHA SAI, J

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