

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

WRIT PETITION No.18556 of 2015

ORDER:

The petitioner is the owner of a vehicle bearing registration No.AP 12 V 7017. The Motor Vehicle Inspector, Regional Transport Authority, Hindupur, Anantapur District – the 3rd respondent herein seized the same on 05-06-2015 under a vehicle check report on the following grounds:

1. *vehicle is plying as Express Stage Carriage without A.P. Tax for Quarter Ending 30-06-2015 and without permit; and*
2. *driving license not produced.*

Heard Sri B. Siva Rama Krishnaiah, 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 vehicle bearing No.AP 12 V 7017 to the petitioner on her paying a sum of Rs.20,000/- (Rupees twenty thousand only). She shall also file an undertaking to the effect that she shall produce the vehicle as and when necessary, and that she shall not alienate the same, in the meanwhile. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

June 24, 2015

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WRIT PETITION No.18556 of 2015

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June 24, 2015

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