

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

W.P.No.32527 of 2015

O R D E R:

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

“ For the reasons stated in the accompanying affidavit the petitioner herein prayed that this Hon'ble Court may be pleased to issue writ, order or direction especially one in the nature of Writ of Mandamus declaring the seizure of the petitioner's Omni Bus bearing No. AP 27 TW 2623 vide vehicle check report No.127764 dt.7.9.2015 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and further declare the action of the 2nd respondent in not releasing the same inspite of representation is also illegal and arbitrary and consequently direct the 2nd respondent to release the petitioner Omni Bus and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Sri Ch.Ravinder, learned counsel for the petitioner and the learned Government Pleader for Transport appearing for the respondents 1 to 3.

The petitioner is the owner of the vehicle bearing No.AP-27 TW-2623. The Motor Vehicles Inspector, D.T.C.Office, Ongole, Prakasam District the third respondent herein, seized the same on 7.9.2015 vide check report No.127764 on the following grounds:

- i. Original documents not produced, no RC, IC and PUC.
- ii. Without tax ending 30.6.3025
- iii. Without FC
- iv. Without permit.

The Motor Vehicles 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.

That 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.

For the aforesaid reasons and having regard to the principles laid down in the above referred judgment, the writ petition is disposed of directing that the respondents shall release the vehicle bearing No. AP 27 TW 2623 to the petitioner, on his paying a sum of Rs.50,000/- (Rupees fifty Thousand only). The petitioner shall also file an undertaking to the effect that he shall produce the vehicle as and when necessary and that he shall not alienate the same in the meanwhile. This order, however, does not preclude the respondent authorities from initiating proceedings in accordance with law for recovery of tax, if any, due from the petitioner. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:6.10.2015

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