

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.13866 of 2015

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ORDER:

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

“To issue a writ order or direction or issue an appropriate writ, more particularly in the nature of writ of Mandamus, directing the respondents herein to release the petitioner’s Lorry bearing No.AP 01-V 1940 which was seized by the respondent No.2 herein under Vehicle Check Report No.2049324, dated 24.05.2013, and declare the seizure of petitioner’s said lorry under said vehicle check report is illegal, arbitrary, violative of Article 14 and 21 of the Constitution of India.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Transport for the State.

3. According to the petitioner, he is an un-employee and belongs to middleclass family and with an intent to do some independent business to maintain his family, he purchased a lorry bearing No.AP 01 V 1940 in the year 2004 by obtaining finance from Sriram Transport Finance Company. It is pleaded that due to his bad luck he could not get much profit from the transport business and incurred heavy loss. It is also stated that in the year 2013 the said vehicle was damaged and with great difficulty he borrowed some money here and there and got the vehicle repaired. It is further stated that on 24.05.2013 he sent his driver Balaram to fill up the diesel in the said lorry at Tirpally locality and on completion of the repairing work when his driver Balaram was returning to the petitioner’s house, respondent No.2 stopped and checked the vehicle under the cheque report bearing No.2049324 dated 24.05.2013 on the sole ground that there was no proof of tax for Q.E. 30.06.2013 and kept the said vehicle under safe custody at RTC depot, Adilabad.

4. It is the case of the petitioner herein that he got valid registration of the vehicle and the vehicle also had insurance at the time of seizure and the driver was also holding driving license and he got permission to drive the vehicle and he did not violate any

provisions of Motor Vehicles Act and the rules made thereunder. It is also stated that the petitioner paid tax up to 31.12.2012 and the vehicle was seized on 24.05.2013 and he has to pay the said tax up to June, 2013 and because of the damage caused to his vehicle and due to extreme financial problems, he could not pay the said tax in time. It is further pleaded that after seizure of his vehicle, he went to the respondents 1 and 2 on a number of occasions and requested for release of his vehicle while agreeing to pay the original tax, but the respondents asked the petitioner to pay the huge amount as penalty. It is also stated in the affidavit that he made a representation dated 29.04.2015 for redressal of his grievance.

5. Pending writ petition, another application is also filed vide WPMP.No.20580 of 2015 supported by an affidavit. In the affidavit filed in support of the said application it is stated that the representation submitted to the first respondent herein got misplaced, as such, on the advise of his counsel, he again made a representation to the respondent No.5 on 07.05.2015 along with a fee of Rs.25/- and so far no orders have been passed on the said representation.

6. In view of the above facts and circumstances of the case, this Court deems it appropriate to dispose of the present writ petition by directing the respondents herein to pass appropriate orders on the representation dated 07.05.2015.

7. Accordingly, the writ petition is disposed of, directing the respondents herein to pass appropriate orders on the representation dated 07.05.2015 said to have been made by the petitioner herein, within a period of two months from the date of receipt of a copy of this order. As a sequel, Miscellaneous Petitions if any, shall stand disposed of. No order as to costs.

A.V.SESHA SAI,J

Date: 08.06.2015

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WRIT PETITION No.13866 of 2015

Dated 08th June, 2015

grk

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.13866 of 2015

Date: 08.06.2015

Between:

Ahtesham Ali S/o Alhamir Yawar Ali,
Aged about 48 years, Occ: Business,
R/o 1-4-22, Masood Nagar, Adilabad District,
Adilabad.
... Petitioner

and

The Deputy Transport Commissioner Cum
Secretary, Regional Transport Authority,
Adilabad District, Adilabad and two others.

... Respondents

