

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

WRIT PETITION No.14708 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the action of the 2nd respondent in not releasing the petitioner's contract carrying vehicle bearing R.No.AP-28-Y-1133, Chasis No.WPR 243342 Engine No.XPH478610 (Displayed on vehicle R.No.AP-16-TG-3233) seized under vehicle Check Report No.AP916/May2015/ 12411, dated 08-05-2015 by the 3rd respondent, as per law laid down by the Hon'ble High Court, as illegal, arbitrary, unjust and consequently directed and 2nd respondent to forthwith release the petitioner's contract carriage vehicle bearing R.No.AP-28-Y-1133, Chasis No.WPR 243342 Engine No.XPH478610 (Displayed on vehicle R.No.AP-16-TG-3233).”

It is represented by the learned counsel for the petitioner that in identical set of circumstances this Court passed an order in writ petition No.14404 of 2015 and the copy of the same is placed on record along with the writ petition. Therefore, this Court deems it appropriate to dispose of the present writ petition also in the same lines.

The petitioner is the owner of a vehicle bearing registration No.AP-28-Y-1133. The Assistant Motor Vehicle Inspector, Garikapadu Check Post, Krishna District - 3rd respondent herein seized the same on 08-05-2015 under a vehicle check report on the following grounds:

1. *No proof of Tax Payment FOR Q.E.30/06/2015.*
2. *The number displayed on vehicle is AP16TG3233 where as per the chasis number (WPR 243342) vehicle number is AP28Y1133.*

Heard Sri Rajanikanth Jwala, learned counsel for the petitioner and learned Government Pleader for Transports.

The Motor Vehicles Act (for short, 'the Act') and the Rules made thereunder prescribe 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-28-Y-1133 to the petitioner on his paying a sum of Rs.20,000/- (Rupees twenty thousand only). He 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. 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 02, 2015

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