

THE HON'BLE SRI JUSTICE A V SSHA SAI

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W. P. No.34047 of 2015

ORDER

1. The petitioner is the owner of a vehicle bearing registration No.KA 51 A 6714. The Motor Vehicles Inspector, Hindupur, Anantapur District – 3rd respondent herein seized the same on 05.10.2015 under a vehicle check report on the following grounds:

“Stopped and checked the above said vehicle while proceeding from Sira to Amarapura with 30 in all and found that:

RC, IC, FC, DL not produced

No payment of AP Tax and permit.

PUC not produced

Sira to Amarapura with 28 passengers fare each head collected Rs.30/-.

Hence vehicle plying contract carriage without permit and tax. Hence, vehicle seized and kept at Amarapura P.S.”

2. Heard Sri E.Maruthi Raja, learned counsel for the petitioner and learned Government Pleader for Transport.

3. 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.

4. 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.

5. Hence, the Writ Petition is disposed of directing that the respondents shall release the vehicle bearing No. KA 51 A 6714 to the petitioner on the petitioner paying a sum of Rs.20,000/- (rupees fifteen 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. There shall be no order as to costs.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence.

JUSTICE A.V.SESHA SAI

Date: 13.10.2015

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