

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9704 of 2015

BETWEEN

Kumar FLT Service.

... PETITIONER

AND

State of Andhra Pradesh, Rep. by Principal Secretary, Transport Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. MAHESWARA RAO KUNCHEAM

Counsel for the Respondents: GP FOR TRANSPORT (AP)

The Court made the following:

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ORDER:

Petitioner complains that his vehicle i.e. Forklift VOLTAS make, 3 Ton Capacity of 2008 Model, was seized by the third respondent vide check report No.1487329 dated 28.08.2014. Petitioner seeks release of the said vehicle and that he had approached the second respondent on 12.09.2014 with relevant documents along with an application under Rule 448 (B) of the A.P. Motor Vehicle Rules but the second respondent did not entertain the same. Copy of the said application is, however, not produced along with this writ petition to substantiate that it was a statutory application made under Rule 448 (B) of the Rules by paying the requisite fee.

2. Hence, petitioner is given liberty to make an application in accordance with the Rules before the second respondent seeking release of the said vehicle and the second respondent is directed to consider the said application in accordance with law. It is made clear that the second respondent may impose appropriate conditions, if he considers release of the vehicle to the petitioner. Keeping in view the ratio of the Division Bench judgment of this Court in **SALEEM TOURS AND TRAVELS v. JOINT TRANSPORT COMMISSIONER AND SECRETARY, RTA, HYDERABAD**, the second respondent shall, accordingly, pass appropriate orders within three (3) days from the date of receipt of a copy of this order.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 7, 2015

Note: Furnish C.C. of the order by 08.04.2015. **(B/o)** DSK