

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.15568 of 2016

ORDER:

The seizure of the petitioner's vehicle bearing registration No. AP 28 TA 4149 by the Motor Vehicle Inspector, RTA, Ibrahimpatnam, the third respondent, under vehicle check report No.1892258 dated

24.04.2016 is questioned in this writ petition. The seizure report shows that when the vehicle was stopped and checked, it was found without R.C., permit, fitness certificate etc. The petitioner, while denying the allegations in the check report, states that he made an application before the second respondent on 26.04.2016 seeking release of the vehicle claiming that all the relevant records were available at the time of checking of the vehicle and the said application is stated to be pending before the second respondent.

Since the allegations in the vehicle check report are disputed by the petitioner, it is a matter to be considered in the enquiry. That being so, the second respondent is directed to consider the petitioner's application dated 26.04.2016 and after satisfying himself that the petitioner's vehicle had all the requisite documents, release the vehicle in question subject to imposition of appropriate conditions within five days from the date of receipt of a copy of this order. The assessment proceedings may go on but the penalty imposed on the petitioner shall not be recovered for a period of thirty days as the petitioner has a statutory remedy of preferring an appeal against imposition of penalty.

The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

29th April, 2016

Note:

Furnish C.C. by 02.05.2016.

(B/o)

IBL