

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No. 19266 of 2016**

**ORDER:**

At the request of both Sri Ch.Ravinder, Learned Counsel for the petitioner, and the Learned Government Pleader for Transport, appearing for the respondents, the writ petition is taken up for disposal at the stage of admission.

The relief sought for in this Writ Petition is to declare the seizure of petitioner's vehicle bearing No.AP 04 W 3777 vide vehicle check report No.222108 dated 25.05.2016, as illegal and arbitrary.

A perusal of the material on record would show that the vehicle was sent to a mechanic shed for repairs and after completion of repairs on 25.05.2016, when the vehicle was on trial run, the same was seized by the respondents vide vehicle check report No.222108 alleging that the documents of the vehicle are not produced and there is no proof of tax payment. The petitioner is said to have made an application before the second respondent under Rule 448 (b) of the Motor Vehicles Rules along with all other relevant documents requesting to release the vehicle pending enquiry, but without considering the application, the second respondent issued Memo No.1860/SZ/2016, dated 30.05.2016 directing the petitioner to produce FIR copy and also all the original documents of the vehicle. Hence, the present writ petition is filed.

The Motor Vehicles Act and the Rules made thereunder prescribes the procedure for determination of lapses, if any,

committed by the owners of the vehicle and 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 lapses pointed out in the vehicle check report are 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 of interest of the respondent. On the otherhand, 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. This Court in similar circumstances in W.P.No.25969 of 2015 released the vehicle by imposing certain conditions.

Hence, the writ petition is disposed of directing the respondents to release the vehicle bearing No. AP 04 W 3777 to the petitioner subject to the petitioner depositing a sum of Rs.20,000/-. 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.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

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**JUSTICE C. PRAVEEN  
KUMAR**

17.06.2016  
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