

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24067 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to direct the 2nd respondent to release the vehicle of the petitioner forthwith.

It is stated in the affidavit that the petitioner is doing transport business and it has branches at various places in Arunachal Pradesh, Karnataka, Odissa and Telangana States and that the vehicles of the petitioner are covered by valid documents. While so, when the vehicle bearing No.AR02-5666 was coming to Nizamabad, it was stopped, checked and seized by the 3rd respondent on 24.06.2017 on the ground that the said vehicle is plying as express stage carriage between Mumbai and Nizamabad and that the registration of the vehicle was cancelled by Arunachal Pradesh. It is the case of the petitioner that the vehicle is having authorization to ply in the State of Telangana also. It is also the case of the petitioner that the Gauhati High Court has suspended the cancellation order by orders dated 20.06.2017 while observing that the authorities shall not disturb the operations of the petitioner's vehicles. Further, it is stated that the petitioner approached the 2nd respondent for release of the vehicle. But he has not entertained the said application. Hence, the petitioner filed this writ petition.

Heard and perused the material available on record.

The learned Counsel for the petitioner submitted that in similar circumstances, this Court granted interim orders for release the vehicle on certain conditions.

Considering the facts and circumstances of the case and the averments in the affidavit, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The petitioner is directed to make an application before the authorities concerned along with the relevant material informing that Gauhati High Court has suspended the cancellation order passed by the authorities concerned. On such application being filed, the authorities concerned are directed to consider the same, within a period of one week thereafter.”

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

July 21, 2017
KTL



RAJA ELANGO, J

HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.24224 of 2017

Date: July, 2017

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