

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23408 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to issue a writ, order or direction, more particularly, one in the nature of writ of *Mandamus* to declare the action of the respondents in seizing the petitioner's Earth Master Vehicle fitted with Construction Equipment with registration No.AP37DE4687 *vide* Vehicle Check Report No.350828, dated 05.07.2017, of respondent No.4 as illegal and arbitrary and consequently, direct the respondents to release the Earth Master Vehicle fitted with Construction Equipment with Registration No.AP37DE4687 forthwith to the petitioner.

2. Heard and perused the material available on record.
3. It is stated in the affidavit filed in support of the writ petition that the petitioner is the owner of the aforesaid vehicle. He purchased the same and got registered on 12.06.2017. He purchased the said vehicle by obtaining loan under hypothecation with a finance company. On 05.07.2017, while the petitioner was proceeding to Kothagudem along with the driver and cleaner to purchase some spare parts to be fitted to the new vehicle, respondent No.4 stopped the vehicle and checked it and issued the Vehicle Check Report No.350828, dated 05.07.2017, with certain irregularities.
4. Learned counsel for the petitioner submitted that the aforesaid vehicle is a new one and if the vehicle is kept idle for a

long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Government Pleader for Transport (Telangana) objected for the release of the said vehicle and submitted that the said vehicle is used for commercial purpose and if at all the petitioner wants the vehicle to be released, he can file an application before the competent authority and if such an application is filed, the same will be considered within a period of one week.

6. Considering these circumstances, the petitioner is directed to make an application before the competent authority for release of the vehicle in question i.e., Earth Master Vehicle fitted with Construction Equipment with registration No.AP37DE4687 duly producing all relevant documents and on such application being filed, the competent authority shall consider the same and pass appropriate orders in accordance with law on or before 21.07.2017.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 14.07.2017

Note:- Furnish C.C. by 17.07.2017.

B/O
AMD



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AMD