

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23689 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a Writ, Order or Direction, more particularly one in the nature of a Writ of MANDAMUS declaring the seizure and continued detention of the petitioner's vehicle i.e. Tourist Bus bearing registration No.AR.04.9452 seized under vehicle check report No.202895, dated.24.06.2017, by the 3rd Respondent as illegal, arbitrary, improper, unjust, violation of principle's of natural justice and consequently direct the respondents to release the petitioners vehicle i.e. Tourist Bus bearing registration No.AR.04.9452 forthwith to the petitioner pending enquiry.”

2. Heard and perused the material available on record.
3. The petitioner is the Managing Partner of M/s.Venus Travels, Mumbai, Maharashtra. On 24.06.2017, at about 5:00 A.M., respondent No.3 stopped the said vehicle and checked it while it was proceeding from Mumbai to Nizamabad with 29 passengers and found certain irregularities. Respondent No.3 seized the said vehicle under Section 207 of the Motor Vehicles Act, 1988 and kept at Basara Police Station for safe custody.
4. Learned counsel for the petitioner submitted that 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 release of the said vehicle.

6. Considering the facts and circumstances of the case, the petitioner is hereby directed to make an application before the competent authority for release of the vehicle in question i.e., Tourist Bus bearing registration No.AR-04-9452 and on such application being made, the competent authority shall consider the same and pass appropriate orders in accordance with law within a period of three (3) days from the date of receipt of a copy of this order.

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: 18.07.2017
AMD

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