

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21627 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ or order or direction more particularly one in the nature of a writ of Mandamus declaring the seizure of the Petitioner's vehicle bearing No.AR01H-7811 seized under vehicle Check Report No.231597 by the 3rd Respondent as illegal, arbitrary, contrary to law and without jurisdiction and consequently direct the 2nd respondent to release the vehicle of the petitioner forthwith.”

2. The petitioner is doing transport business and having several branches in India. The permits have authorization to ply the vehicles throughout India and the vehicles are covered by valid documents. The petitioner has been paying the taxes regularly as per the notification issued by the Government from time to time and also paid the tax of Rs.1,24,959/- to Telangana State on 31.03.2017 for the quarter ending 30.06.2017 at Alampur Check Post. While so, on 23.06.2017, while the vehicle bearing No.AR01H – 7811 was proceeding with 34 paid passengers from Ballari to Hyderabad, it was stopped and checked by respondent No.3 and the same was seized under Vehicle Check Report No.231597 on the allegations that the said vehicle was plying in between Ballari and Hyderabad without touching home state by violating Rule 85 of the Central Motor Vehicles Rules, 1989 (for short, “the Rules”) and contract carriage bus plying as an express stage carriage by violating permit conditions under Section 66 read

with 192 (A) of the Motor Vehicles Act, 1988 and Rule 85 of the Central Motor Vehicles Rules.

3. 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 and that any violation under Rule 85 of the Rules will not empower the authorities to detain the vehicle.

4. Learned Government Pleader for Transport submitted that the aforesaid vehicle is liable to be seized and also detained by the authorities if there is any violation under Rule 85 of the Rules.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, the petitioner is directed to make an application before respondent No.2 for release of the vehicle bearing No.AR01H-7811 and on such application being made, respondent No.2 shall consider the same and pass appropriate orders in accordance with law as expeditiously as possible, preferably, within a period of three (3) days from the date of receipt of a copy of this order.

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

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

JUSTICE RAJA ELANGO

Date : 03.07.2017

Note:- Furnish C.C. within (2) days.

B/O
AMD

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AMD