

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.6364 of 2011

ORDER:

The proceedings, under challenge in this Writ Petition, is the order dated 09.03.2011. By proceedings dated 08.03.2011, the petitioner's vehicle was stopped, checked and seized for certain irregularities. By his application dated 09.03.2011, the petitioner produced the records, and sought release of the vehicle. By memo dated 09.03.2011, the records of the vehicle were seized, and the permit of the vehicle was suspended for one month i.e from 09.03.2011 to 08.04.2011, with the instruction to stop the vehicle at RTC Depot, Ravulapalem and the Depot Manager, APSRTC, Amalapuram was requested to release the vehicle to the concerned under proper acknowledgement. The petitioner complains of violation of principles of natural justice contending that, while a show-cause notice was issued on 09.03.2011 calling upon him to submit his explanation within three days, the order impugned in the Writ Petition came to be passed on the very same day i.e on 09.03.2011.

While I find considerable force in the submission of the Learned Counsel for the petitioner that the impugned order dated 09.03.2011 is in violation of principles of natural justice, since the order was passed even before the three day period (stipulated in the show-cause notice for the petitioner to submit his explanation) had expired, it is wholly unnecessary to examine this aspect since the very period of suspension was only for one month (i.e from 09.03.2011 to 08.04.2011) which expired more than 6½ years ago. However, in terms of the interim order, the vehicle was directed to be

released on condition that the petitioner deposited Rs.50,000/- with the respondents.

Smt.N.Shoba, Learned Counsel for the petitioner, would request this Court to direct the respondents to refund the said amount. I consider it appropriate, instead, to permit the petitioner to make a written representation in this regard to the first respondent. On such a request being made, the 1st respondent shall consider the petitioner's request for refund of the amount deposited by him of Rs.50,000/-, and shall pass orders thereupon in accordance with law. In case a decision is taken to refund the amount, the said amount shall be refunded within three months from the date on which the first respondent passes such an order.

The Writ Petition is, accordingly, disposed of. The Miscellaneous Petitions pending, if any, shall also stand disposed of. No order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:15.12.2017.

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