

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15207 OF 2017

ORDER :

The petitioner questions seizure of his Tractor bearing Registration No. AP 22 AE 2103 and Trailer bearing Registration No. AP 22 W 6483 *vide* check report dated 17.04.2017 on the ground that he failed to produce the documents viz. driving licence, insurance, permits, etcetera. The petitioner has been given an option to seek compounding of the offence by paying Rs.83,600/-.

Learned counsel for the petitioner contends that the petitioner is an agriculturist and the vehicle is being used for the purpose of agricultural operations, hence, he is not liable to pay any tax.

Learned Government Pleader for Transport appearing for the 2nd respondent opposes the Writ Petition. He submits that the petitioner can file his objections before the 2nd respondent Assistant Motor Vehicle Inspector, who would inquire into the same.

Learned Government Pleader for Home submits that the subject vehicle is involved in a crime, as is evident from F.I.R. No. 40 of 2017, dated 07.04.2017 in which a person died on account of the rash and negligent driving of the petitioner.

In the facts of the present case, the issued involved is limited to the seizure of the vehicle by the 2nd respondent. The impugned proceedings itself discloses that the petitioner has been given an option to compound the lapses under the Rules for improper

documentation by paying compound fees. However, in deciding the compound fees, it appears, the petitioner was not given any opportunity to put forward his case. In those circumstances, as keeping the vehicle with the department would serve no purpose, except allowing the same to be exposed to the vagaries of nature, which would ultimately deteriorate the quality of the vehicle, there shall be a direction to the 2nd respondent to release the vehicle towards interim custody in favour of the petitioner subject to his depositing a sum of Rs.43,600/- (Rupees forty three thousand and six hundred only). The petitioner is at liberty to submit explanation to the 2nd respondent, who shall consider the same in accordance with law and pass appropriate orders. The amount directed to be paid by this Court is subject to the final orders that may be passed by the competent authority District Transport Officer.

It is also made clear that as the vehicle is involved in Crime No. 40 of 2017, if the vehicle is in the custody of the 3rd respondent or in the custody of the Court, the petitioner shall be at liberty to approach the appropriate Court seeking its release as the transport authorities are not empowered to release the vehicle which is involved in a crime and surrendered to the custody of the Court.

The Writ Petition is accordingly disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

26th April 2017

Issue CC in a week.
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