

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11120 OF 2017

ORDER:

This Writ Petition is filed challenging the seizure and detention of the Educational Institution Bus bearing No. AP 29 TA 4121, under Vehicle Check Report No.1434986, dated 13.03.2017, by the 3rd respondent-Motor Vehicle Inspector, Regional Transport Authority, Ibrahimpatnam, on the ground that the vehicle is alleged to have been found transporting the employees of Vable Foods Private Limited from the factory at Kavedipally to Tharamathipet of Anjapur daily one trip in the morning and one trip in the evening.

It is the case of the petitioner that the subject vehicle is being utilised strictly for the purpose of conveyance of students of the petitioner's institution only. It is further submitted that on 13.03.2017 at about 5 p.m., after dropping the students at their destinations, when the vehicle was being taken empty from Gachibowli to the parking place at Abdullapurmet, near Ramoji Film City, the bus was stopped by about 25 persons and they requested the driver of the bus stating that they are the employees of M/s Valbe Foods Private Limited located at Kavidipally and their two vehicles bearing Nos. AP 29 TA 2027 and AP 28 TC 0411 were stranded up on the road due to engine trouble and requested to drop them at their work place; on their request, without collecting any hire picked up them for dropping at their company at Kavedipally. However, 3rd respondent stopped and seized the vehicle, without heeding the explanation of the driver, by simply saying that he is seizing the vehicle for statistical purposes and prepared the vehicle Check Report No.1434986 dated 13.03.2017. It is further submitted that on 14.03.2017 when he approached the 2nd respondent for release of the

vehicle, 2nd respondent demanded to pay the difference of tax as a condition for release of the vehicle. It is further submitted that the action of the 2nd respondent is not in accordance with law as declared by this Court in **Saleem Tours and Travels v. Joint Transport Commissioner and Secretary, RTA, Hyderabad**¹, wherein it was held that payment of difference of tax, if any, is not a condition for release of the vehicle and the vehicle seized on the ground of contravention of conditions of permit has to be released expeditiously. Hence the writ petition.

Having considered the submission made by the learned counsel for the petitioner and the learned Government Pleader (Telangana) and on perusal of the relevant provisions, especially Section 207 of the Motor Vehicles Act, 1988 under which the vehicle was seized, wherein it has been clearly mentioned that instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof and further mentioned at Section 207(2) of the Act that where a motor vehicle has been seized and detained under sub-section (1), the owner or person in-charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order release the vehicle subject to such conditions as the authority or officer may deem fit to impose.

Therefore, subject to the condition of petitioner depositing Rs.10,000/- and subject to final orders that may be passed by the 2nd respondent in the inquiry, the seized vehicle shall be released

¹ 2000 (4) ALD 501 (DB)

forthwith. Petitioner shall also furnish an undertaking that he will not alienate the vehicle or create any third party interest over it and will not alter its nature, pending disposal of the proceedings before the competent authority.

With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

Date:28.03.2017.

Note: Issue CC forthwith.
B/o.
Ssv

