

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8272 OF 2017

ORDER:

The petitioner is the owner of vehicle bearing No.TS 08 UB 0845 -Maxi Cab. Respondent No.3 seized the vehicle vide check report dated 02.02.2017 on the ground that tax for two quarters; I.C.; F.C; and valid driving licence were not produced.

Heard Sri Mohammed Aslam, learned counsel for the petitioner and learned Government Pleader for Transport.

The Motor Vehicles Act (for short, 'the Act') and the Rules made thereunder prescribes the procedure for determination of lapses, if any, committed by the owners of the vehicle, and the consequences that flow from such determination. According to the petitioner, notice under any provision of the Act has not yet been issued.

The question, as to whether the lapse pointed out in the vehicle check report is true or not, needs to be decided in the proceedings, that may be initiated in accordance with the relevant provisions of law. Continued detention and seizure of the vehicle does not advance the purpose or interest of the respondents. On the other hand, it would expose to theft of parts and damage. The interest of the respondents can be protected by directing that the vehicle of the petitioner be released, subject to certain conditions.

Hence, the Writ Petition is disposed of with a direction to respondents to release the vehicle bearing No.TS 08 UB 0845 - Maxi Cab to the petitioner on paying a sum of Rs.16,130/- (Rupees Sixteen Thousand One Hundred and Thirty Only). He shall also file an undertaking to the effect that he shall produce the vehicle as

and when necessary and that he shall not alienate the same in the meanwhile. There shall be no order as to costs.

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

CHALLA KODANDA RAM,J

Date:10.03.2017
usd

