

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

WRIT APPEAL NO.999 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Smt. Marella Radha, learned counsel for the respondent-writ petitioner, would submit, placing reliance on the Division Bench judgment of this Court in **Saleem Tours and Travels v. Joint Transport Commissioner and Secretary, RTA, Hyderabad and another**¹, that the petitioner would make an application to the second respondent; and the second respondent be directed to consider the application and pass a reasoned order thereupon, within three days from the date of receipt of the application.

In the light of the submission of Smt. Marella Radha, learned counsel for the respondent-writ petitioner, it is wholly unnecessary for us to examine the scope of either Section 207(1) of the Motor Vehicles Act, 1988 ("the Act" for brevity) or the ambit of Rule 85(3) of the Central Motor Vehicles Rules, 1989, though the submission of the learned Advocate General, that failure on the part of the petitioner's buses to either begin its travel from Arunachal Pradesh or end its travel in the said State justified its seizure and detention under Section 207(1) of the Act, cannot be said to be without merit.

Following the judgment of the Division Bench in **Saleem Tours and Travels**¹, the order of the Learned Single Judge is modified and the petitioner is permitted, instead, to make an application to the second respondent under Section 207(1) of the

¹ 2000 (4) ALD 501 (DB)

Act; and the second respondent shall, within three days of receipt of such application, pass orders in accordance with law and communicate his order to the respondent-writ petitioner.

The Writ Appeal stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

20th July 2017

NOTE: Issue CC by tomorrow
B/O
RRB

