

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.42655 OF 2016

ORDER:

The writ petition is filed questioning the inaction on the part of the respondents 3 and 4 in releasing the school buses of the petitioners bearing Registration Nos.A.P 20 TB 0585 and A.P 20 T.B 0570, which were seized by the officials of the 3rd respondent.

It is the claim of the petitioners that both the vehicles bearing Registration Nos.A.P 20 TB 0585 and A.P 20 T.B 0570, have been seized by the 3rd respondent authorities on the ground that on a check being conducted, it was found that the vehicle bearing No.A.P. 20 T.B 0570 was running without permit, without insurance and without pollution certificate. Like wise, the vehicle bearing No.A.P.20 T.B 0585, was also running without permit, without insurance and without pollution certificate apart from the driver not producing the license. Both the vehicles were seized on 11.11.2016 and questioning the same, the present writ petition is filed seeking to release of the vehicles.

It is the contention of the learned counsel for the petitioners that the first petitioner is a school and the 2nd petitioner is an Educational Society which is running the 1st petitioner school. The petitioners are willing to abide the conditions that may be imposed for release of the vehicle and also ready to pay the necessary taxes, fees and the penalty if any in accordance with the provisions of the Motor Vehicles Act, 1988 (for short, "the Act") and the Rules made thereunder. It is also one of the contentions of the petitioners that the seizure of the vehicles itself have been affected, at the instance of the 6th respondent.

Learned Government Pleader for Transport would submit that the 3rd respondent authorities are not competent to decide as to who is running the Educational Society, however, so far as the release of the vehicles is concerned, the same would be considered in accordance with the provisions of the Act and Rules made thereunder. He further submits that there is a provision under Section 200 of the Act providing for compounding of the offences. In the present case, the lapses which are alleged against the petitioners are the simple lapses which can be compounded in terms of the provisions of the Act and the Rules made thereunder. Learned Government Pleader for Transport would also submit that initially the petitioners shall get the permission to run the buses renewed and thereafter, they have to apply for compounding the offences alleged to have been made against the vehicles of the school.

Sri K. Rathanga Pani Reddy, learned counsel for the 6th respondent contends that there is a dispute between the petitioners and the person who is representing himself as a President-cum-Correspondent of the 2nd petitioner society. It is also the contention of the 6th respondent that as a matter of fact, she is the Correspondent of the 2nd petitioner-society and inasmuch as there are civil disputes pending, the learned counsel contends that the petitioners may be directed to approach the civil courts for the purpose of release of the vehicles after deciding as to who is running the 2nd respondent-society.

Having considered the respective submissions, it may be born in mind that in the present case, the dispute is in relation to release of the vehicles and not with respect to who is at the helm of the affairs of the 2nd petitioner society. Both the learned counsel admit that the

school is running and the buses are required for the purposes of transportation of the children. Inasmuch as there are civil disputes pending between the person who had sworn on behalf of the 2nd petitioner before this Court and the 6th respondent, leaving it open for both the parties to settle the disputes pending before the Civil Courts and considering the limited scope of relief that is sought in the writ petition by the petitioners that the first petitioner being the school and the 2nd petitioner being the society, the interest of justice would be served if a direction is given to the 3rd respondent to release the vehicles in favour of the petitioners subject to the provisions enabling compounding of the offences which are alleged to have been made against the vehicles in question.

In those circumstances, there shall be a direction to the 3rd respondent to release the seized vehicles after considering the application and subject to the petitioners paying necessary dues in terms of the Act and the Rules made thereunder including the penalty that may be imposed by the Transport authorities. It is also made clear that the release of the vehicles in favour of the petitioners 1 and 2, shall not be considered that this Court is expressing any opinion with respect to management of the 1st petitioner's institution either by the 6th respondent or by the person who had filed the present writ petition before this Court.

Having considered the facts and circumstances of the case and especially in view of the submissions made by the learned Government Pleader for Transport, the writ petition is disposed of directing the petitioners to approach the 3rd respondent within a period of one week from today by paying the necessary fees including the permit fees and seek necessary orders to be passed with respect to

release of the vehicles bearing Registration Nos.A.P 20 TB 0585 and A.P 20 T.B 0570 in terms of the provisions of the Act and the Rules made thereunder and the same shall be considered by the 3rd respondent forthwith.

With the above directions, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:16.02.2017,

Note:

Issue CC today.

B/o.

Gk.



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Gk