

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38364 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner pray that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of 4th respondent issued a proceedings in Vehicle check report dated 07-07-2017 thereby seized the TATA ACE MAGIC motor car bearing Vehicle No.AP37 AS 8018 and imposed a compounding fee to be paid is Rs.26,000/- in spite of the petitioner's legal notice/representation dated 15-10-2017 for release of his vehicle, as illegal, irregular, irrational amounts to non discharge of legal obligation conferred on 4th respondent violative of provisions of Motor Vehicle Act, 1988 and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents to release the TATA ACE MAGIC motor car bearing Vehicle No.AP37 AS 8018 and pass other orders or order as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Naga Praveen Vankayalapati*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Transport (Andhra Pradesh) appearing for the respondents 1 to 3.

3. When this writ petition is taken up for hearing, learned counsel for the petitioner submits that the petitioner is prepared to pay the compounding fee of Rs.26,000/- and produce all vehicular documents and other required documents before the authority concerned and, therefore, the authority concerned may be directed to entertain the application for release of the vehicle and pass appropriate orders. He would also submit that in matters of identical nature, this Court is

releasing the vehicles. He placed on record a copy of the order, dated 08.08.2017, passed in W.P.No.26484 of 2017, wherein, this Court following an earlier order, dated 03.07.2017, passed in W.P.No.21627 of 2017, disposed of the said writ petition. Learned counsel requested that this writ petition may also be disposed of on the same lines. Learned Government Pleader endorses the said submission.

4. In view of the submissions and the earlier orders of this Court and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated writ petition, this Writ Petition is disposed of directing the petitioner to make an application before the 3rd respondent for release of the TATA ACE MAGIC motor car bearing No.AP37 AS 8018; and, on such application being made by the petitioner, the 3rd respondent shall consider the same and pass appropriate orders in accordance with law, as expeditiously as possible and preferably, within three (03) days from the date of receipt of a copy of this order.

Office is directed to **enclose** a copy of the order, dated 03.07.2017, passed in W.P.No.21627 of 2017 to this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 16th November, 2017

Note: Issue C.C. today.

(B/o.)
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