

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.19547 of 2018

ORDER:

The petitioner is the owner of the bus bearing registration No.AP 15 T 0435. The 3rd respondent herein seized the same on 06.06.2018 under a vehicle check report on the following grounds:-

- 1) Without driving license
- 2) Without PUC,
- 3) Without IC, without Nirmal District permit
- 4) Bus is plying more than two Districts.
- 5) Not visible.

Heard learned Counsel appearing for the petitioner and the 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, directing that the respondents shall release the bus bearing No. AP 15 T 0435 to the petitioner on the petitioner paying a sum of Rs.10,000/- (Rupees ten thousand only). The petitioner shall also file an undertaking to the effect that he shall produce the bus as and when necessary and that he shall not alienate the same in the meanwhile.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.

Date:20.06.2018

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JUSTICE A.V.SESHA SAI

