

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42849 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the respondents in seizing and detaining the petitioners contract carriage bearing registration No.A.P.07 TG 1782, pursuant to the vehicle check report No.2343576 dated 1.11.2018, issued by the 3rd respondent as illegal and arbitrary.

Though various grounds are raised, learned counsel for the petitioner submits that since the seizure proceedings were initiated in respect of the subject vehicle, the respondents may be directed to give interim custody of the subject vehicle to the petitioner on such terms and conditions in view of the order dated 9.11.2018, passed by this Court in W.P.No.40367 of 2018.

Learned Government Pleader for Transport, would submit that show-cause notice dated 20.11.2018, came to be issued to the petitioner asking him to submit explanation as to why the tax and penalty cannot be imposed on him for the irregularities committed within a period of ten days from the date of receipt of the same. The learned counsel for petitioner submits that the said show cause notice was not served on the petitioner.

Pending proceedings before the concerned authority, interim custody of the subject vehicle can be granted to the petitioner, subject to payment of admitted tax and compounding fees.

Having regard to the above, the writ petition is disposed of directing the respondents to give interim custody of the subject vehicle to the petitioner subject to payment of admitted tax and compounding fees, pending enquiry. Till the conclusion of the proceedings/prosecution, petitioner shall also give an undertaking that he will not alienate the vehicle, will not create any third party rights, will not remove major parts

of the vehicle and that the vehicle will be produced as and when required during the course of proceedings. It is also made clear that this order holds good till the conclusion of the proceedings/prosecution. Thereafter, it is open for the respondents herein to proceed in accordance with law. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

C. PRAVEEN KUMAR, J

Dated:27.11.2018.
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