

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5841 OF 2019

ORDER:

The vehicle of the petitioner bearing No.TS09UB-1234 was seized by the 3rd respondent, through Vehicle Check Report, dated 16.03.2019, on the ground that the petitioner is plying the vehicle as express stage carriage violating the permit condition. The petitioner challenges the seizure in this writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 16.03.2019, discloses that the petitioner is plying the vehicle as express stage carriage violating the permit condition. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 3rd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that:

- a) the vehicle of the petitioner bearing Registration No. TS09UB-1234 shall be released to it on depositing a sum of Rs.10,000/- (Rupees ten thousand only);

- b) the petitioner shall also furnish an undertaking to the effect that it will not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that it will produce the vehicle as and when required;
- c) the petitioner shall be entitled to ply the vehicle, if only it is covered by the necessary documents; and
- d) the petitioner shall not be entitled to use the vehicle unless it is registered.
- e) There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

CHALLA KODANDA RAM, J

Date: 20.03.2019.

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