

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.769 of 2020

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 3rd respondent in not releasing the petitioner's TATA DCM, bearing registration No.TS 06 UA 5552, as being illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

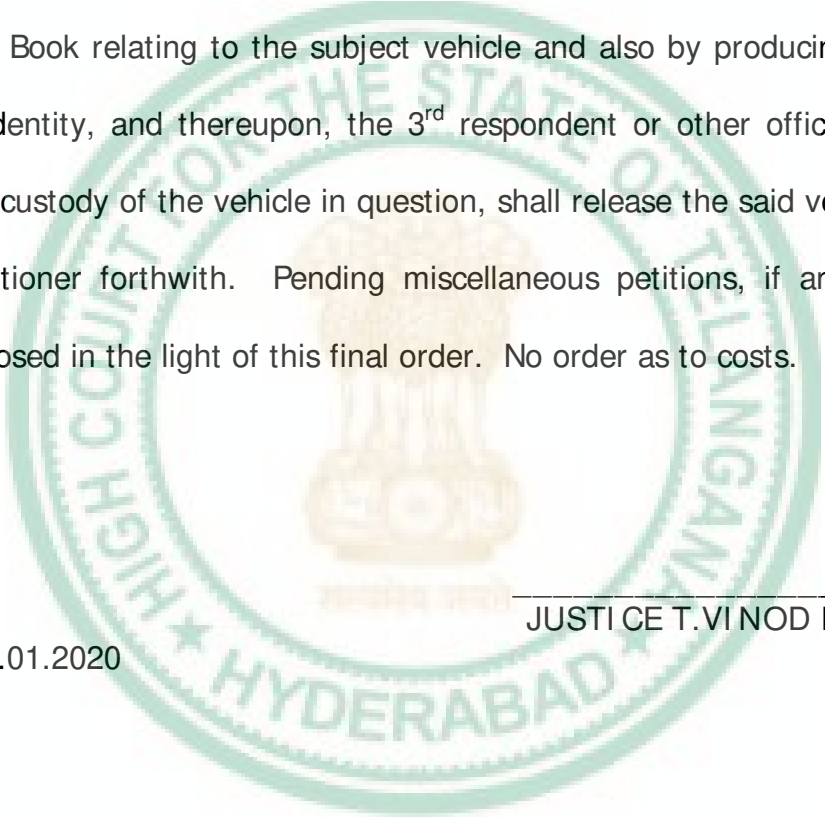
3. Learned Assistant Government Pleader for Home obtained written instructions, dated 09.01.2020, from the Inspector of Police, RGI Airport Traffic Police Station, Shamshabad, Cyberabad.

4. In the aforesaid written instructions, it is stated that, while the 3rd respondent conducting drunken drive checkup at Madhura Nagar, Shamshabad, stopped TATA DCM bearing No. No.TS 06 UA 5552 and on subjecting alcohol test to the driver of the said vehicle with breath analyzer, it was shown as 177 alcohol reading. The driver did not show original documents of the vehicle in question and therefore, a challan was issued under Section 185(a) of the Motor Vehicles Act, 1988 (for short, 'the Act'), and directed the driver to attend for counselling and also detained the vehicle for verification of documents. It is further submitted that the driver, who was caught, was not having valid documents pertaining to the vehicle and hence, the vehicle has been detained as per Section 207 of the Act. It is also stated that the owner of the subject vehicle should produce driving licence of the driver and other relevant documents for release of the vehicle and the owner should also produce the driver before the Court for prosecution of the drunk and drive case.

5. Learned counsel for the petitioner submits that this Court, in similar circumstances, in W.P.No.2361 of 2019, *vide* its order, dated 07.02.2019, disposed of the said writ petition with certain directions.

6. Learned Assistant Government Pleader for Home does not dispute the same.

7. For reasons alike as were stated in W.P.No.2361 of 2019 and in terms of the said order, dated 07.02.2019, this writ petition is also disposed of directing the petitioner to appear before the 3rd respondent with RC Book relating to the subject vehicle and also by producing proof of his identity, and thereupon, the 3rd respondent or other official, who has the custody of the vehicle in question, shall release the said vehicle to the petitioner forthwith. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



JUSTICE T.VINOD KUMAR

Date:10.01.2020

GJ