

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.2881 of 2020

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for respondents.

2. Learned counsel for the petitioner submits that the petitioner, who is a self employed, is the owner of the vehicle Aactiva Motor Cycle bearing No.AP 28 CG 4766, that on 28.01.2020 at 09.06 hours, the Traffic Police, Kukatpally were conducting vehicle checking at Godrej Y Junction, Kukatpally, the said vehicle was detained illegally by the 3rd respondent on the ground that driver of the said vehicle did not have valid driving licence and failed to produce his licence and the relevant documents relating to the said vehicle. Further, learned counsel for the petitioner, while seeking release of the vehicle, submits that the 3rd respondent has unlawfully seized the said vehicle.

3. The learned Assistant Government Pleader for Home appearing for respondents states that on 28.01.2020, since the driver failed to produce his driving license and relevant documents, hence the vehicle has been detained as per Section 181/177 of M.V. Act. On that the authorities issued a challan slip to him under Section 181/177 of the Act as he was not having driving license and directed him to attend for counseling and also to pay challan in the Court. On perusal of the Writ Petition, it revealed that the petitioner has enclosed a copy of learner's license, but the said learner's license was obtained by him on 03.02.2020, whereas he was stopped on 28.01.2020 and detained the vehicle for not possessing driving license.

4. Having regard to the above, the petitioner is directed to appear before the 3rd respondent with documents of vehicle in question, produce proof of his identity and that of the Registered owner of the vehicle. Upon the petitioner approaching the 3rd respondent or other official, who has the custody of the vehicle in question and producing the documents, the said authority shall release the vehicle to the petitioner forthwith upon collecting the fine as provided under the Motor Vehicles Act for violation of the provisions of M.V. Act.

6. Subject to the above observation, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:17.02.2020

MRKR

JUSTICE T.VINOD KUMAR

