

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.3468 of 2020

ORDER:

This writ petition is filed questioning the action of respondent authorities in detaining the two wheeler of the petitioner bearing registration No.TS07 GP 8689, Activa Model and to declare the same as illegal, arbitrary and unconstitutional and consequently to direct the respondents to release the said vehicle.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home for respondents 1 to 3.

3. The case of the petitioner is that on 02.01.2020, at about 7-30 hrs, while the petitioner was driving the said two wheeler vehicle, respondent authorities stopped the vehicle near Miyapur Bus Depot, within the jurisdiction of Miyapur Traffic Police and issued a challan, whereby it is stated that the petitioner was driving the said two wheeler without wearing helmet and without driving license, whereupon the respondent authorities by invoking the provisions of Section 207 of the Motor Vehicles Act, 1988 (for short 'M.V.Act'), have taken the vehicle into safe custody temporarily, since non wearing of helmet, not possessing driving license and non-production of relevant documents is in contravention of Sections 129/177, 181/177 and 130/177 of the M.V.Act.

4. Learned counsel for the petitioner submits that the petitioner being the registered owner is in possession of the registered documents and would produce the same before the third respondent authority and also pay the necessary challan for violation of the provisions of M.V.Act.

5. Learned Assistant Government Pleader for Home appearing for respondents states that, on being stopped by the respondent police for checking, since the petitioner was not wearing helmet and driving the vehicle without driving license and did not produce the relevant documents, the police authorities have taken safe custody of the vehicle temporarily and placed the vehicle at the 3rd respondent police station by exercising powers under Section 207 of M.V.Act. Learned Assistant Government Pleader would further submit that on production of the documents and paying prescribed fine, the vehicle would be released to the petitioner.

6. Having regard to the above, the petitioner is directed to appear before the 3rd respondent with relevant documents of the vehicle in question along with proof of his identity. Upon the petitioner approaching the 3rd respondent or other official, who has the custody of the vehicle in question, making an application for release of the vehicle together with relevant documents, the said authority shall consider the same and release the vehicle to the petitioner forthwith by collecting the prescribed fee for violations as noted in the challan and also if such vehicle is not involved in any other case.

7. Subject to the above observations, 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.

JUSTICE T.VINOD KUMAR

Date:19.02.2020
grk