

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.4149 of 2020

ORDER:

Questioning the action of the 3<sup>rd</sup> respondent-Station House Officer, Kukatpally Traffic Police Station in detaining the petitioner's Honda CB Unicorn Motor Cycle bearing registration No.MH45-AJ-0176, the present petition is filed.

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

3. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle in question and when he was returning to the home after completing his work, on 05.02.2020 at about 06.34 hours, at Godrej Y junction, within the jurisdiction of Kukatpally Traffic Police Station, the said vehicle was detained illegally by the 3<sup>rd</sup> respondent on the ground that driver of the said vehicle did not have driving licence and did not wear helmet. Further, learned counsel for the petitioner, while seeking release of the vehicle, submits that the 3<sup>rd</sup> respondent has unlawfully seized the said vehicle.

4. The learned Assistant Government Pleader for Home appearing for respondents states that on 05.02.2020 since the driver did not have driving licence and did not wear helmet and failed to produce documents of the vehicle, the police authorities have taken custody of the vehicle temporarily and placed the vehicle at 3<sup>rd</sup> respondent police station and on production of documents and paying prescribed fine, the vehicle would be released to the owner.

5. It is seen from the record that the petitioner is a habitual offender since there are as many as 26 cases for the same offence being registered against the petitioner.

6. Having regard to the above said submissions and the peculiar facts and circumstances of the case, the petitioner is directed to appear before the 3<sup>rd</sup> respondent authority with proof of his identity and relevant documents of the vehicle in question. Upon the petitioner approaching the 3<sup>rd</sup> respondent or other official, who has the safe custody of the vehicle in question and 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/owner of the vehicle forthwith by collecting fine as prescribed under the M.V. Act for non-production of documents, other violations and also if such vehicle is not involved in any other case.

7. Further, having regard to the fact that there are as many as 26 challans are raised, the respondent authorities are directed to make a marking in the records against the said vehicle number and the driving licence of the petitioner to ensure that the petitioner complies with the provisions of the M.V.Act and if the petitioner violates such provisions hereafter, the respondent authorities shall take appropriate action, including the seizure of the vehicle and report the same to the motor vehicle authorities for cancellation of licence as well as registration of the vehicle in accordance with law.

8. Subject to the above observation and direction, 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.

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JUSTICE T.VINOD KUMAR

Date: 12.03.2020  
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