

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.4957 of 2020

ORDER:

This Writ Petition is filed questioning the action of the 4th respondent in detaining the Brio 1.2 V MT BSIV 2013 model bearing registration No. AP 28 DR 6772, the present writ petition is filed.

2. The case of the petitioner is that, one Alluri VVB Subhadra Devi the owner of the vehicle in question, and that on 04.01.2020 at 00:19 hours, when the petitioner was returning to his house after visiting his friend, at Gachibowli Traffic Police jurisdiction, the 4th respondent and other Constables who were deployed there to check vehicles and to determine whether the driver of that vehicle was in inebriated condition or not, stopped him and subjected him to breath analyzer test and alleged that he is in an inebriated state and seized his vehicle, and that the said vehicle is presently lying at the 4th respondent Police Station in the open space and he was also issued with e-challan mentioning violations under Sections 185(a), 130/177 and 207 of the Motor Vehicles Act, 1988 (for short, 'the M.V. Act'), which are not applicable to drunk and drive cases. The grievance of the petitioner is that the 4th respondent has no jurisdiction to detain his vehicle.

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

4. Learned Assistant Government Pleader for Home, on instructions, submits that one Alluri VVB Subhadra Devi is the owner of the vehicle, but on 04.01.2020 at 00:19 hours, the vehicle was driven by the petitioner and when the petitioner reached Gachibowli Traffic Police jurisdiction, the respondent police stopped and subjected the petitioner to breath analyzer test and found 100 alcohol reading and since the petitioner/driver of the vehicle was not in a position to drive the vehicle and as he did not produce the relevant documents, the police authorities have taken safe custody of the vehicle temporarily and placed the vehicle at the 4th respondent police station by exercising powers under Section 207 of the M.V. Act. Learned Assistant Government Pleader would further submit that from the documents annexed to the Writ Petition, it is clear that one Alluri VVB Subhadra Devi is the owner of the vehicle as per the

certificate of registration issued by the Transport Department of Telangana and the petitioner was driving the vehicle on the said date. He would further submit that if the petitioner/driver and the owner of the vehicle in question along with their proof of identity and relevant documents of the vehicle appear before the concerned police authorities with whom the vehicle is in safe custody and on paying the prescribed fine, the vehicle would be released to the owner of the vehicle.

5. It is seen from the record that the petitioner herein, who was found driving the vehicle at the relevant point of time, has approached this Court, but the owner of the vehicle in question has not approached this Court.

6. Having regard to the above said submissions and in the peculiar facts and circumstances of the case, the petitioner/driver is directed to appear before the 4th respondent authority along with the owner of the vehicle with proof of their identity and relevant documents of the vehicle in question. Upon the petitioner/driver along with the owner of the vehicle approaching the 4th respondent or other official, who has the 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 forthwith by collecting the fine as prescribed under the M.V. Act for non-production of the documents, other violations 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: 12.03.2020

MRKR