

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.4923 of 2020

ORDER:

Questioning the action of the 3rd respondent-Station House Officer, Kukatpally Traffic Police Station in detaining the 2nd petitioner's Honda Activa Electric Motor Cycle bearing registration No.AP28-CH-6040, the present petition is filed.

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

3. Learned counsel for the petitioners submits that the 2nd petitioner is the owner of the vehicle in question and the first petitioner has taken away the said vehicle for attending some event and on 09.02.2020 at about 18.54 hours and when he was crossing the road at Kolan Raghava Reddy function hall, GPS location, within the jurisdiction of Kukatpally Traffic Police Station, the said vehicle was detained illegally by the 3rd 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 petitioners, while seeking release of the vehicle, submits that the 3rd respondent has unlawfully seized the said vehicle.

4. The learned Assistant Government Pleader for Home appearing for respondents states that on 09.02.2020 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 3rd respondent police station and on production of documents and paying prescribed fine, the vehicle would be released to the owner.

5. Having regard to the above said submissions and the facts and circumstances of the case, the 2nd petitioner/owner of the vehicle is directed to appear before the 3rd respondent authority along with the driver of the vehicle with proof of their identity and relevant documents of the vehicle in question. Upon the petitioners/owner and driver of the vehicle approaching the 3rd 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 2nd 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.

6. 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.

JUSTICE T.VINOD KUMAR

Date: 12.03.2020
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