

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND EIGHT
PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12673 of 2008

Between:

N. Srinivasa Rao, S/o. N. Sree Ramulu,
R/o. 6-1-133/4, Padma Rao Nagar, Secunderabad.

.....
PETITIONER

AND

1 State of Andhra Pradesh, Rep. by its
Secretary,

Department of Transport, Roads & Buildings, Secretariat,
Government of Andhra Pradesh, Hyderabad.

2 The Assistant Secretary, RTA Tirumalghery, Secunderabad.

3 The Motor Vehicle Inspector, R.T.A. Sanga Reddy, Medak
District.

.....**RESPONDENT(S)**

Petition under Article 226 of the constitution of India
praying that in the circumstances stated in the Affidavit filed
herein the High Court will be pleased to to issue the Writ or order
or direction more particularly one in the nature of Mandamus
declaring the seize of vehicle AP 16 TT 0430 by respondent No.3
as illegal, null and void and subsequently release the vehicle and
pass

Counsel for the Petitioner:MR.K.S.MURTHY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following Order:

Petitioner states that he purchased the transport vehicle bearing registration No.AP16TT0430, which was manufactured in the year 1991 by Ashok Leyland Limited and when it was sent for repairs, the third respondent seized the vehicle, through Vehicle Check Report, dated 01-06-2008, on the grounds that the prime mover was fabricated, that there was no valid fitness certificate, that the chassis No.ALSPE258669 was not allotted to any vehicle by the manufacturer and that the vehicle was in bad condition, which is dangerous to the public and road users. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Transport.

Counter affidavit is filed on behalf of the respondents.

Learned Government Pleader for Transport reiterating the averments made in the counter affidavit submitted that the transport vehicle was originally registered in the State of Gujarat with registration No. GJ 16 C 8670 and the same has been brought to the State of Andhra Pradesh and renumbered as AP 16 TT 0430, that the petitioner has failed to obtain fitness certificate though it expired on 27-10-2004 and that it is not safe to ply the vehicle on roads. He further submits that the petitioner has failed to offer explanation to the show cause notice dated 06-06-2008.

Since the petitioner has not offered any explanation to the show cause notice dated 06-06-2008, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to submit explanation within a period of one week from today and the respondents are directed to complete the enquiry and pass appropriate orders within a period of ten days thereafter.

The Writ Petition is, accordingly, disposed of. No order as to costs.

N.V.RAMANA,J

Dt:25-06-2008

Note:Furnish copy by tomorrow

bo

usd