

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10939 of 2004

Between:

M/s.Reliance Enterprises, represented by Ahmed Kareemuddin,
s/o Gulam Ghouse, r/o 18-14-14/1, G.M.Nagar,
Hyderabad.

..... PETITIONER

AND

- 1 The Asst.Secretary, Regional Transport Authority,
East Zone, Hyderabad.
- 2 The Inspector of Motor Vehicles Regional Transport Authority,
Hyderabad (Central), Driving Test Rg.Track at Nagole.

.....RESPONDENTS

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 a writ, order or direction, especially, one in the nature of writ of mandamus declaring the seizure of the petitioner's vehicle bearing No.AP 9 U 4070 vide Vehicle Check Report No.595294 dated 14-11-2003 is illegal, and arbitrary

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondents: GP FOR TRANSPORT

The Court Made the Following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the seizure of the vehicle, bearing No.AP 9 U 4070, by the respondents vide vehicle Check Report No.595294, dated 14.11.2003.

2 . According to the petitioner, though he approached the respondents for release of his vehicle, they did not release the vehicle in terms of Rule 448-B of Motor Vehicles Rules. As per the judgment of this court, the respondent authorities are not entitled to keep the vehicle in their custody, especially when the vehicle was seized, in view of the irregularities stated, such as not having RC, FC, IC, Permit and driving license pending enquiry under section 207 of A.P.Motor Vehicles Act.

3. Heard the learned counsel for the petitioner and the learned Government Pleader and considered the material on record.

4. In view of the above, the respondents are directed to release the vehicle of the petitioner, bearing No.AP 9U 4070, on depositing a sum of Rs.10, 000/- (Rupees ten thousand only), with a further undertaking that the petitioner shall not alienate the vehicle, as well as encumber the same, and he will produce the same as and when required by the authorities in connection with the enquiry, as contemplated under the provisions of the Act and the Rules.

5. The writ petition is, accordingly, disposed of. No costs.

Dsr/Kvh

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To.

- 1 The Asst.Secretary, Regional Transport Authority,
East Zone, Hyderabad.
- 2 The Inspector of Motor Vehicles Regional Transport Authority,
Hyderabad (Central), Driving Test Rg.Track at Nagole.
- 3 Two CCs to the Government Pleader (Transport), High Court
Buildings,
Hyderabad (OUT)
- 4 Two CD copies.