

**HON'BLE MR JUSTICE GHULAM MOHAMMED
AND
HON'BLE MR JUSTICE G. BHAVANI PRASAD**

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WRIT PETITION No. 21104 of 2009

Between:

Mohammed Sarwar, S/o Mohammed Miskeen

..... PETITIONER

AND

The Regional Transport Officer, (Assistant Secretary) Office of the Regional
Transport Authority, Hyderabad and one another

.....RESPONDENTS

ORDER: (Per Hon'ble Sri Justice Ghulam Mohammed)

The vehicle of the petitioner bearing Registration No. KL08Q9468 was seized by the second respondent, through Vehicle Check Report No. 2027314, dated 22.09.2009 , on the ground that the petitioner violated the permit conditions and misused the vehicle as contract carriage. The petitioner challenges the seizure in this Writ Petition.

Heard the leaned counsel for the petitioner and the learned Government Pleader for Transport.

Vehicle Check Report dated 22.09.2009 reads as under:

“Offences/Irregularities:

Stopped and Checked the Vehicle while coming from Chimakurthy (Ongole District) for Hyderabad (Kukatpally) carrying 50 passengers on my enquiry with the driver and passengers all are coming from Ongole to Hyderabad Labour on contract basis and found

1. No permit 2. No contract Agreement 3. W.o D.L

4. No Green Tax.

Hence, seized the vehicle U/s 207 (1) of M.V Act and kept at R.T.A/NRPT for safe custody.”

A perusal of the Vehicle Check Report dated 22.09.2009 discloses that the petitioner did not produce permit, contract agreement and green tax and using the vehicle as contract carriage by violating the permit conditions. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the second respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitted the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the Writ Petition is disposed of, directing that:

a) the vehicle of the petitioner bearing Registration No.

KL08Q9468, shall be released to him, on his depositing a sum of Rs. 10,000/- (Rupees Ten Thousand Only);

- b) the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required; and
- c) the petitioner shall be entitled to play the vehicle, if only it is covered by the necessary documents.
- d) There shall be no order as to costs.

GHULAM MOHAMMED,J

G. BHAVANI PRASAD ,J

30.09.2009
KA

..... REGISTRAR

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SECTION OFFICER

To

1. 2 CD copies.

