

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17997 of 2013

Date:25.06.2013

Between:

Yousuf Khan Patan,
S/o Patan Meera Khan

..... Petitioner

AND

The Secretary, Regional Transport
Authority, Ranga Reddy District and another.

.....Respondents

Counsel for the Petitioner: Sri Bethi Venkateshwarlu

Counsel for the Respondents: AGP for Transport

The Court made the following:

ORDER:

This Writ Petition is filed for a Mandamus to declare the inaction of the respondents, in releasing the petitioner's Goods Carriage (HMV) motor vehicle registration No.AP 29-V-0751, as illegal and arbitrary.

At the hearing, it is not disputed that the said vehicle, which was seized on 16.06.2013 on the allegation that it was overloaded by 8,620 kgs., is in the custody of the respondents. When the petitioner has made an application on 19.06.2013, respondent No.1 has issued proceedings vide R.No.130/B5/UPPL/2013, dated 19.06.2013, wherein he has directed respondent No.2 to launch prosecution and submit the result of the prosecution.

In my opinion, continued detention of the aforesaid vehicle pending prosecution causes serious hardship to the petitioner's interests. Therefore, without prejudice to the right of the respondents to prosecute the petitioner, the respondents are directed to release the seized vehicle

to the petitioner, subject to his depositing Rs.11,000/- (Rupees Eleven thousand only) with respondent No.1. The petitioner shall produce the ownership documents and file an undertaking to produce the aforesaid vehicle as and when required in connection with the prosecution and also not to alienate the aforesaid vehicle or create any third party interests therein till completion of the criminal proceedings.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.Ps, if any, pending are disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

25th June 2013
DR