
(2013) 05 RAJ CK 0091

In the Rajasthan High Court

Case No : Civil Writ Petition No. 8780 of 2013

Anmol Bus Service

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 29-05-2013

Acts Referred:

Motor Vehicles Act, 1988 — Section 207, 207(2)

Citation : (2013) 05 RAJ CK 0091

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Satish Khandelwal, for the Appellant;

Judgement

Alok Sharma, J.—Mr. Satish Khandelwal, appearing for the petitioner, submits that the petitioner's passenger transport vehicle bearing Registration No. RJ-05-PA-1549 was seized by the District Transport Officer, Alwar on 26.05.2012 upon being alleged that it was running on a route beyond the designated route under the permit issued by the Department entailing contravention of the conditions of the permit. He submits that in terms of Sub-section (2) of Section 207 of the Motor Vehicles Act, 1988 (hereinafter "the Act of 1988"), the vehicle seized for contravention of law by the competent officer of the transport authority can be released after verification of the documents qua the said vehicle on terms and conditions deemed fit and appropriate by the said authority. Counsel submits that even though an application was made by the petitioner for the purpose on the date when the vehicle was seized, the said vehicle continues to be under detention of the transport authority, even though there is no outstanding dues assessed qua the said vehicle or demand standing as of 26.05.2012 or even as of today. It has been further submitted that in a worst case scenario, even if the petitioner is liable for any special road tax / penalty on the allegations made, the vehicle in issue should not be allowed to be wasted by its continuation in the custody of the transport department. Hence the petition with a prayer inter alia for a direction for release of the vehicle in issue. Having heard the counsel for

the petitioner, I am of the considered view that the power under sub-section (2) of Section 207 of the Act of 1988 ought to be exercised in the facts of the present case on a proper application being made by the petitioner to the competent authority. Thereupon the vehicle should be released on terms and conditions deemed fit and proper by the competent authority within three days from the submission of the application along with a certified copy of this order. It is however made clear that the application for the release of the vehicle u/s 207(2) of the Act of 1988 would have no bearing on the prior right of transport authority to collect tax / penalty on account of the breach of the conditions of the permit.

The writ petition stands disposed of accordingly. Stay application needs no address in view of the petition being disposed of.