
(2013) 01 AHC CK 0260
In the Allahabad High Court

Babban Shukla

APPELLANT

Vs

Assistant Regional Transport Officer (E), Gonda

RESPONDENT

Date of Decision : 23-01-2013

Acts Referred:

Citation : (2013) 01 AHC CK 0260

Hon'ble Judges : Shiva Kirti Singh;ACJ, J

Final Decision : Disposed Of

Judgement

Devendra Kumar Arora, J.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner claims to be owner of Commander Jeep bearing registration no. U.P. 43T0631. That jeep was seized by the sole opposite party Assistant Regional Transport Officer (E), Gonda on 7th January, 2013. The petitioner has moved an application as per statement made in paragraph 8 of the writ petition on 07.01.2013 itself for release of the said vehicle or to send the challani report to the concerned Court. Grievance of the petitioner is that no action has been taken on the said application till date.

We are of the considered view that the sole opposite party is under a legal obligation to dispose of the application of the petitioner as per provisions of Section 207 of the Motor Vehicles Act, 1988 without any delay. Hence, we dispose of this writ petition with a direction to sole opposite party Assistant Regional Transport Officer (E), Gonda to consider and dispose of petitioner's application within a period of one week from the date a certified copy of this order is produced before him. If the vehicle is not released for some good reasons, the necessary complaint/challani must be sent to the concerned Chief Judicial Magistrate within the same period.

Before parting with the matter, we must express our dissatisfaction with the manner in which seizure report was prepared by the opposite party. The copy of seizure report annexed along with this petition is blank and original copy of said

report given to the petitioner, which has been placed before the Court, is also blank. The Authority should be careful in future and must ensure that copy given to the owner of vehicle or person from whom the vehicle is seized is legible and filled up properly.