

**(2021) 05 GUJ CK 0064**

**In the Gujarat High Court**

**Case No : R/Special Criminal Application No. 805 Of 2021**

Pradeepbhai Bhupendrabhai Desai

APPELLANT

Vs

State Of Gujarat

RESPONDENT

**Date of Decision : 28-05-2021**

**Acts Referred:**

Constitution Of India, 1950 — Article 226

**Citation : (2021) 05 GUJ CK 0064**

**Hon'ble Judges : Gita Gopi, J**

**Bench : Single Bench**

**Advocate : Devesh K Shah, Kaivan M Dastoor, Pranav Trivedi**

**Final Decision : Allowed**

## **Judgement**

Gita Gopi, J

1. By way of this petition filed under Article 226 of the Constitution of India, the petitioner has prayed to direct the respondents to release the vehicle

of the petitioner bearing Registration No. GJ-27-CD-5149 (Two Wheeler), which was seized on the ground of alleged traffic violation.

2. It is the case of the petitioner that his two-wheeler bearing Registration No. GJ-27-CD-5149 (Make "Honda Activa") was seized by a team of

private persons, who were allotted the duty of towing vehicles, on the ground of some alleged traffic violation. The petitioner preferred an application

before the respondents seeking release of his vehicle. However, the petitioner was informed that his vehicle had been detained on the ground of

violation of parking rules. Being aggrieved by the action of the respondents of not releasing his vehicle, the present petition has been preferred.

3. Heard learned advocates on both the sides and perused the material on record. It appears from the material on record that the vehicle in question

was, initially, seized on the ground of alleged "traffic violation". However, subsequently, the petitioner was informed that his vehicle had been seized on the ground that it was parked in a "No Parking Zone". From the information received by the petitioner under the RTI Act, it appears that the vehicle in question had not been parked in any "No Parking Zone" at the relevant point of time. Further, no penalty or "Challan" had been issued against the petitioner as regarding the alleged violation. Under the circumstances, the seizure of the vehicle in question is unlawful and the vehicle in question deserves to be released.

4. For the foregoing reasons, the petition is allowed. The respondents are directed to release the vehicle in question bearing Registration No. GJ-27-CD-5149 (Two Wheeler "Honda Activa") on immediate basis and without any unnecessary delay, on condition that the petitioner shall file an Undertaking with the respondents that he shall produce the vehicle as and when called for and may appear before the police for recording his statement. The petition stands disposed of accordingly. Rule is made absolute to the above extent. Direct service is permitted. Registry to send a Writ of this order via E-mail / Fax forthwith.