

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5794/2026

Vijaypal S/o Sukhdev Singh

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Himanshu sharma
For Respondent(s)	:	Mr. S. S. Naruka, AAG with Mr. Sachin Singh Rathore Mr. Sunil Kumar Saini, DTO, Kotputli

HON'BLE MR. JUSTICE SAMEER JAIN

Order

20/04/2026

1. In the instant matter, the concerned Officer-in-Charge (OIC) has marked his presence before the Court. However, upon a specific query tendered by the Court, the OIC was unable to satisfactorily explain the statutory mandate and the applicability of Section 207 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'), under which the impugned seizure was purportedly carried out.

2. For a proper appreciation of the controversy involved in the matter at hand, Section 207 of the Act is reproduced as under:-

"207. Power to detain vehicles used without certificate of registration permit, etc.—(1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section 3 or section 4 or section 39 or without the permit required by sub-section (1) of section 66 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the

vehicle may be used, seize and detain the vehicle, in the prescribed manner and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:

Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of section 3 or section 4 or without the permit required by sub-section (1) of section 66 he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof.

(2) Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order release the vehicle subject to such conditions as the authority or officer may deem fit to impose."

3. Having heard the submissions advanced and upon bare perusal of the provisions enshrined under Section 207 of the Act of 1988, this Court notes that:

(i) A seizure and detention can be legally sustained only if there is infraction or contravention of the sections enumerated within the Act. Any seizure carried out outside this prescribed statutory scope is *prima facie* arbitrary and illegal.

(ii) If a seizure is permissible under the Act, the same must be executed strictly in the procedural manner prescribed by the law, and not otherwise.

(iii) As per the proviso to Section 207(1) of the Act, the physical seizure of the vehicle should ideally be treated as an exception. In general cases, the authorities are empowered to seize the Certificate of Registration (RC) instead of the vehicle itself as the vehicle often constitutes the primary source of livelihood for the person concerned.

(iv) Moreover, Section 207(2) of the Act explicitly provides for a mechanism for the provisional release of the vehicle subject to appropriate conditions.

4. In the present factual matrix, this Court observes that despite the specific statutory provisions cited by the respondent-authority to justify the seizure, the same appear not to have been followed in letter and spirit.

5. Learned counsel for the respondents are directed to file an appropriate reply within a period of two weeks from the date of passing this order, providing a detailed justification for the impugned seizure.

6. List the matter after two weeks.

7. In the meantime, the petitioner is at liberty to file application under Section 207(2) of the Act for the provisional release of the vehicle before the concerned authorized officer.

8. It is made clear that if such an application is moved, the officer shall consider and decide the same strictly in accordance with the law, ensuring that the vehicle is released upon appropriate conditions if permissible as per the provisions enshrined under Section 207 of the Act.

(SAMEER JAIN),J