



W.P.(MD) No.18911 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2026**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.(MD) No.18911 of 2026

Palanisamy

... Petitioner

/vs./

1.The Regional Transport Officer,
Pudukkottai District.

2.The Superintendent of Police
Pudukkottai District.

3.The Inspector of Police
Karaipur Police Station
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to release the Mahindra tractor and trailer bearing registration No.TN 33 K 5734 based on the petitioner's representation dated 10.06.2026.

For Petitioner : Mr.A.Manikandan

For R1 :Mr.R.Parthiban
counsel for the State of Tamil Nadu

For R2 & R3 : Mr.P.Vetrivel
Government Advocate (CrI.side)



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ORDER

Mr.R.Parthiban, learned counsel for the State of Tamil Nadu, takes notice for the first respondent and Mr.P.Vetrivel, learned Government Advocate (Crl.side), takes notice for the respondents 2 and 3.

2.By consent, this writ petition is disposed of at the time of admission after hearing the learned counsel for the petitioner, learned counsel for the first respondent and the learned Government Advocate (Crl.side) for the respondents 2 and 3.

3.The petitioner is before this Court for a Mandamus to release the vehicle, namely, Tractor with Trailer, bearing Reg.No.TN 33 K 5734, which was involved in an accident on 28.01.2024 at Usilampatti.

4.The vehicle was seized by the first respondent for various deficiencies on the part of the petitioner, which includes that the vehicle being driven by a person, who was not holding a valid license etc. 3 deficiencies have been noted at the time of seizure for the following violations:-

- “i) Records not produced*
- ii) Without driving license*
- iii) Tax not paid”*



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5.The petitioner has moved an application in Cr.M.P.No.2598 of 2024 under Section 503 of the BNSS, 2023, before the District Munsif cum Judicial Magistrate Court, Ponnamaravathy. By an order dated, 16.12.2024, the learned Magistrate had dismissed the application with the following observations:-

“From the aforesaid provision, it is clear that the provision comes into play only when the property is seized by any police officer. But in the case at hand, the detention of the petition property is upon the order of the RTO, Pudukkottai who is not a police officer and hence the detention is not due to seizure by a police officer. Therefore, this petition is maintainable in law as this court does not have jurisdiction to intervene in the proceedings of the RTO. Considering the aforesaid facts, this court is not inclined to allow this petition.

IN THE RESULT, This petition is dismissed.”

6.There is no doubt that the vehicle is still in the custody of the first respondent and is rotting since its seizure on 28.01.2024. More than 2½ years have lapsed since the seizure. The vehicle can be allowed to be released subject to the petitioner paying the road tax due as on the date of the accident together with the fine and surcharge which is payable on account of the delay.

7.I also direct the first respondent to release the petition mentioned vehicle subject to the petitioner paying the road tax and appropriate fine, as



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may be determined by the second respondent/the Superintendent of Police, Pudukkottai District, as expeditiously as possible, preferably within a month from the date of receipt of a copy of this order. Needless to state, the vehicle shall be produced before the first respondent, in case, confiscation is ordered.

8.It is made clear that the petitioner shall not ply the vehicle without obtaining the fitness certificate from the authorities under the Motor Vehicles Act, 1988 and the Rules made thereunder.

9.With the above directions, the Writ Petition stands disposed of. No costs.

Index : Yes / No
Internet : Yes / No
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To

1.The Regional Transport Officer,
Pudukkottai District.

2.The Superintendent of Police
Pudukkottai District.

3.The Inspector of Police

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Karaiyur Police Station
Pudukkottai District.



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C.SARAVANAN, J.

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