

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).No. 26387 of 2015 (W)

PETITIONER:

GRACY THOMAS, THAYYIL MEPURATHU HOUSE,
VADASSERIKKARA P.O., PATHANMTHITTA.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

1. THE JOINT REGIONAL TRANSPORT OFFICER
KOLLAM 691 001.
2. THE ASSISTANT MOTOR VEHICLES INSPECTOR
REGIONAL TRANSPORT OFFICE, KOLLAM 691 001.
3. A.S.VINOD KUMAR
ASSISTANT MOTOR VEHICLES INSPECTOR
REGIONAL TRANSPORT OFFICE, KOLLAM 691 001.
4. THE CIRCLE INSPECTOR OF POLICE
KARUNAGAPPILLY, KOLLAM 691 001.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 COPY OF THE CERTIFICATE OF REGISTRATION OF KL.03.T.2245.
- EXHIBIT P2 COPY OF THE COMPLAINT DATED 25.8.15 FILED BEFORE THE C.I OF POLICE, KARUNAGAPPILLY.
- EXHIBIT P3 COPY OF THE APPLICATION FILED BEFORE THE IST RESPONDENT ON 25.8.15 FOR RELEASE OF VEHICLE.
- EXHIBIT P4 COPY OF THE COMPLAINT FILED BEFORE THE STATE HUMAN RIGHTS COMMISSION DATED 29.8.15.
- EXHIBIT P4(a) COPY OF THE COMPLAINT FILED BEFORE THE STATE POLICE CHIEF (D.G.P) DATED 30.8.15.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 26387 OF 2015

Dated this the 3rd day of September, 2015

JUDGMENT

The tipper lorry of the petitioner has been seized on the following allegations:

(i) There has been over loading in violation of Section 113 of the Motor Vehicles Act.

(ii) No documents evidencing the payment of tax were produced and violation of Section 11 of the Motor Vehicles Taxation Act is suspected.

2. The petitioner is free to apply for interim release of the vehicle in the circumstances. Any such application filed shall be dealt with within three days. The said application shall be dealt with in accordance with law after hearing the petitioner.

3. It is made clear that the first respondent is at liberty to release the vehicle with or without the load to the petitioner on such terms and conditions as it deems fit.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**