

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM:

THE HON'BLE MR. JUSTICE R.MAHADEVAN

W.P.Nos.26328 to 26330 of 2015
and M.P.Nos.1 of 2015

A.M.M.Khaleel

[Petitioner in all WPs]

Vs

- 1 The Regional Transport Officer
Coimbatore (Central) Coimbatore.
- 2 The Regional Transport Officer
Dharapuram Tirupur.
- 3 The Regional Transport Officer
Kancheepuram.
- 4 The Sub Inspector of Police
Dharapuram Police Station
Dharapuram, Tirupur.
- 5 The Sub Inspector of Police
Balu Chetty Chathram Police Station
Kancheepuram. [Respondents in W.P.No.26328/15]

Writ Petition No.26328/15 filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Third Respondent to release the petitioner Contract Carriage Vehicle bearing Registration No.TN-38-BL-3237 and its connected records to the petitioner which is now kept within the premises of Balu Chetti Police Station Kancheepuram the Fifth Respondent herein

- 1 The Regional Transport Officer
Coimbatore (Central) Coimbatore.
- 2 The Regional Transport Officer
Dharapuram Tirupur.
- 3 The Regional Transport Officer
Kancheepuram.
- 4 The Sub Inspector of Police
Dharapuram Police Station
Dharapuram, Tirupur.

- 5 The Sub Inspector of Police
Balu Chetty Chathram Police Station
Kancheepuram.

[Respondents in W.P.26329/15]

Writ Petition No.26329/15 filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the First Respondent to release the petitioner Contract Carriage Vehicle bearing Registration No.KL-02-Z-5600 to the petitioner which is now kept within the office compound of the first respondent.

- 1 The Regional Transport Officer
Coimbatore (Central) Coimbatore.

- 2 The Regional Transport Officer
Dharapuram Tirupur.

- 3 The Regional Transport Officer
Kancheepuram.

- 4 The Sub Inspector of Police
Dharapuram Police Station
Dharapuram, Tirupur.

- 5 The Sub Inspector of Police
Balu Chetty Chathram Police Station
Kancheepuram.

[Respondents in W.P.No.26330/15]

Writ Petition No.26330/15 filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Second Respondent to release the petitioner Contract Carriage Vehicle bearing Registration No.KL-02-Z-5700 to the petitioner which is now kept within the premises of Dharapuram Police Station the Fourth Respondent herein

For petitioner : Mr.S.Govindarajan
For respondents : Mr.M.S.Ramesh, AGP

C O M M O N O R D E R

Heard the learned counsel for the petitioner and Mr.M.S.Ramesh, learned Additional Government Pleader, who took notice for the respondents and with their consent, the main writ petitions are taken up for disposal.

2. These writ petitions have been filed for the issuance of a writ of mandamus to release the petitioner's Contract Carriage Vehicles bearing Registration No.TN-38-BL-3237, No.KL-02-Z-5600 and No.KL-02-Z-5700 respectively and its connected records to the petitioner.

3. The petitioner is engaged in transport business. He is holding two contract carriage omni bus permits of Kerala State in respect of vehicle No.KL-02-Z-5600 and No.KL-02-Z-5700 and also having control and possession of Tamil Nadu Contract Carriage Omni Bus Vehicle bearing Registration No. TN-38-BL-3237, pursuant to an agreement with its permit holder Mrs.M.Sangeetha. In respect of Vehicle No.TN.38-BL-3237, the petitioner is paying motor vehicles tax to the Transport Department of Tamil Nadu and in respect of Kerala State vehicles, whenever the vehicles plying in Tamil Nadu, tax would be paid for that period. In these circumstances, on 18.01.2015, one of his employees, had brought the kerala state vehicle No.KL-02-Z-5600 and on 19.01.2015, he brought Kerala State Vehicle No.KL-02-Z-5700 into the State of Tamil Nadu. The Motor Vehicles Inspector, attached to the Office of the Regional Transport Officer, Coimbatore (Central) had inspected the vehicle on 18.01.2015 raising allegations and impounded it within the premises of the office compound of the 1st respondent on 18.01.2015. Similarly, on 19.01.2015, the Regional Transport Officer, Dharapuram, had checked the vehicle No.KL-02-Z-5700 and impounded it based on a vehicle inspection record dated 19.01.2015 raising allegations and impounded it within the premises of the Sub Inspector of Police, Dharapuram. On the same day, the Motor Vehicle Inspector, attached to the Office of the Regional Transport Officer, Kancheepuram, had impounded the vehicle bearing No.TN-38-BL-3237 raising allegations within the premises of the Sub Inspector of Police, baluchetti Chatiram Police Station, Kancheepuram. Pursuant thereto, upon lodging complaints before the concerned learned Judicial Magistrates, summons were issued and as per their directions, drivers of the vehicles appeared and paid the fine amounts. On 29.01.2015, the petitioner made a compliant at Ratnapuri Police Station, coimbatore against his employee who brought and operated the Kerala State Vehicles . But, till date, no proceedings had been initiated nor any orders issued for the release of the vehicles to his possession. Aggrieved over the same, the petitioner is before this Court.

4. Learned counsel for the petitioner would submit that one of his employees who brought the Kerala State Vehicles, when the petitioner was out of station and it was done without his knowledge. Further, according to him, fine amounts were paid in the criminal proceedings before the concerned Judicial Magistrate. It is his further submission that in the event of the respondents initiating proceedings against the petitioner, the petitioner would participate and undertake to produce the vehicle and its records as and when necessary before the respondents. That apart, according to him since the vehicles were impounded about seven months ago and kept under the custody of the 5th, 1st and 4th respondents in the respective writ petitions, the petitioner is put into serious hardship and inconvenience. It is on these basis, the learned counsel has prayed for immediate release of the vehicles. However, with regard to imposition of compounding fee, he fairly submitted that as directed

by the authority, necessary compounding fee will be paid then and there.

5. Mr.M.S.Ramesh, learned Additional Government Pleader appearing for the respondents, submitted that the authorities have got every right to intercept any vehicle going through the State and they have rightly stopped the vehicles and impounded raising certain allegations.

6. This Court considering the submissions made by the learned counsel on either side, by recording the submission made by the learned counsel for the petitioner that as directed by the authority, necessary compounding fee will be paid then and there, a direction is given to the authority concerned to pass appropriate orders with regard to compounding fee, within a period of four weeks from the date of receipt of a copy of this order. In the meanwhile, the vehicles in question shall be released forthwith on producing the documents relating to the ownership of the vehicles and on filing an undertaking that the petitioner will produce the vehicles in question before the respondents as and when called for and that he will not alienate the vehicles in question till the proceedings initiated are completed.

The writ petitions are disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

rg

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1 The Regional Transport Officer
Coimbatore (Central) Coimbatore.
- 2 The Regional Transport Officer
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- 4 The Sub Inspector of Police
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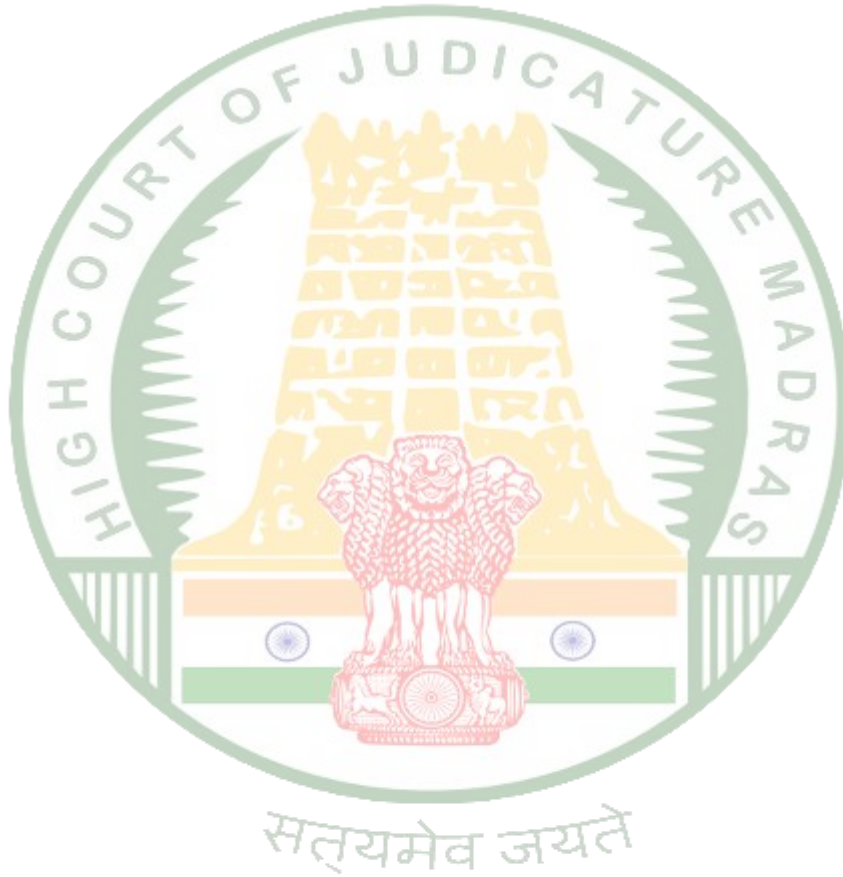
5 The Sub Inspector of Police
Balu Chetty Chathram Police Station
Kancheepuram.

+ 3 ccs to Mr.S.Govindaraman, Advocate SR 48495

bvr (co)

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