

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

W.P.No.27490 of 2015

M/s.K.P.N. Travels (India) Limited,
14, Karunakara Pillai Street,
Kosapalayam, Puducherry,
Rep. by its Managing Director,
K.P.Natarajan

...Petitioner

Vs

1. The Motor Vehicles Inspector, Grade-I,
Office of the Regional Transport Officer,
Coimbatore (South),
Coimbatore.

2. The Regional Transport Officer,
Coimbatore (South),
Coimbatore.

...Respondents

Writ petition filed under 226 of the Constitution of India for the issuance of writ of mandamus to direct the 2nd respondent to forthwith release the Contract Carriage bearing Regn. No.PY 01 BA 9199 belonging to the petitioner which was impounded by the 1st respondent on 28.08.2015 and kept in the control of the 2nd respondent.

For Petitioner : Mr.R.Natesan

For Respondents : Mr.M.S.Ramesh, AGP

ORDER

Petitioner has filed this writ petition praying for a direction to the 2nd respondent to release the contract carriage bearing Regn. No.PY 01 BA 9199, which has been impounded by the 1st respondent and entrusted to the custody of the 2nd respondent pending

disposal of further proceedings by the 1st respondent for the alleged violations of conditions of All India Permit covering the vehicle.

2. It is the case of the petitioner that he is the owner of the contract carriage bearing Regn. No.PY 01 BA 9199 and the same was intercepted by the 1st respondent on 28.08.2015 and subsequently, it was impounded alleging that tax due to the State of Tamil Nadu has not been paid and for certain other violation of permit conditions and the custody of the vehicle was entrusted to the 2nd respondent. Hence, the petitioner is now before this court with this writ petition for appropriate relief.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. The learned counsel for the petitioner submitted that the respondent, despite repeated representations made by the petitioner to the effect, that there are no valid grounds for detention, refused to release the vehicle.

5. The learned Additional Government Pleader appearing for the respondents would fairly submit that the vehicle may be ordered to be released, however, with a liberty to the respondents to initiate action against the petitioner in accordance with law for having violated the conditions of the All India Permit and for non payment of Tax due to the State of Tamil Nadu.

6. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the 2nd respondent to release the contract carriage (Bus) bearing Regn. No.PY 01 BA 9199 on the following conditions:-

(i) The petitioner shall produce documents before the 2nd respondent to establish the ownership of the vehicle in question.

(ii) On doing so, the bus in question shall be returned to the petitioner.

(iii) It is made clear the respondents are at liberty to initiate appropriate action against the petitioner for the alleged violation of permit conditions and for non payment of tax, if not paid already.

(iv) The petitioner shall not alienate the vehicle and he shall produce the same as and when required by the respondents.

7.The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Motor Vehicles Inspector, Grade-I,
Office of the Regional Transport Officer,
Coimbatore (South),
Coimbatore.
2. The Regional Transport Officer,
Coimbatore (South),
Coimbatore.

1 CC to Mr.R.Natesan, Advocate SR.No. 47447

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GR (CO)
PSI (03.09.2015)

सत्यमेव जयते
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