



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.17341 of 2015

V.Chellan

... Petitioner

Vs.

1.The Regional Transport Officer,
Marthandam,
Kanyakumari District.

2.The Secretary,
Regional Transport Authority,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to release the Mini Stage Carriage bearing registration No.TN-65/B-9974 on the route Vettumoni to Kaliakkavilai bus stand via., Kuzhithurai, Eathavilai, Kattikulam, Thiruthuvapuram, Padanthalumoodu Depot, Kaliyakkavilai check post, etc forthwith.

For Petitioner : Mr.R.Joseph Thankaraj
For Respondents : Mr.R.Anandhraj, G.A.

ORDER

This Writ petition has been filed by the petitioner viz., V.Chellan, to issue a Writ of Mandamus, directing the 1st respondent to release the Mini Stage Carriage bearing registration No.TN-65/B-9974 on the route Vettumoni to Kaliakkavilai bus stand via., Kuzhithurai, Eathavilai, Kattikulam, Thiruthuvapuram, Padanthalumoodu Depot, Kaliyakkavilai check post, etc forthwith.

2.Mr.R.Anandharaj, learned Government Advocate takes notice for the respondents. By consent, the Writ petition is taken up for final disposal.

3.The petitioner after purchasing a mini bus from one Edwin Karamaraj, has been plying the same. The said vehicle was also having valid permit upto 27.11.2016. While the said mini bus was plying, the 1st respondent alleging that the route assigned to the said vehicle was deviated on 17.04.2015 issued a check report stating that necessary records namely, Insurance, Registration Certificate, permit of the mini bus were not available.



Immediately, thereafter, the petitioner has given a representation in person on 18.04.2015 with necessary documents to the 4th respondent to release the mini bus. However, the 4th respondent refused to release the vehicle. Therefore, the petitioner is before this Court.

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4.The learned counsel for the petitioner submitted that although the petitioner vehicle was not in possession of relevant documents, subsequently, the same have been submitted along with the representation.

5.The learned Government Advocate appearing for the respondents would submit that the reasons assigned in the impugned order shows that the petitioner has plied the said vehicle in a deviated route. When he has deviated from the original route, the 1st respondent has seized the vehicle. Therefore, the question of production of all the requisite documents are not necessary.

6.This Court finds merit in the submission of the learned Government Advocate for the reason that the impugned order clearly shows that not only the vehicle of the petitioner was seized for non production of the documents, and also for the reason that he has deviated from the originally permitted route. Hence, the Writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1.The Regional Transport Officer,
Marthandam,
Kanyakumari District.

2.The Secretary,
Regional Transport Authority,
Nagercoil, Kanyakumari District.

+ 1 CC TO MR.R.JOSEPH THANKARAJ, ADVOCATE IN SR NO. 56556
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 56813

NBJ

TE/NGM-SS/ : 03/11/2015 : 2P/5C