



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.20904 of 2014

S.Paulsamy

...Petitioner

Vs.

1.The Regional Transport Authority cum,
The District Collector,
Nagercoil,
Kanyakumari District.

2.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

3.The Inspector of Police (Traffic)
Nagercoil,
Kanyakumari District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to release the Mini Bus bearing Registration TN 74E 7898 which was seized on 17.12.2014 now in the custody of the 3rd respondent's office forthwith and pass such further or other orders.

For Petitioner : Mr.H.Velavadhas
For Respondents : Mr.R.Anandaraaj,
Government Advocate.

ORDER

The petitioner seeks for a Mandamus directing the respondents to release the Mini Bus bearing Registration No.TN-74-E-7898 which was seized on 17.12.2014.

2.According to the petitioner, the seizure was without any valid reason. On the other hand, counter affidavit filed by the first respondent dated 20.02.2015 would show that the vehicle was seized as the driver of the vehicle did not produce driving licence, R.C., Insurance certificate, vehicle permit and fitness certificate at the time of inspection. It is also stated that the driver of the vehicle submitted a copy of the permit which was not signed by the authority. It is further stated in paragraphs 10 and 11 of the counter affidavit as follows:-

"10.It is humbly submitted that now we have verified the office records which discloses that he is holding permit as per the proceeding 40996/B1/2011 valid from 01.08.2010 to 31.07.2015. He has also paid the Road tax, Green Tax, and has a valid fitness certificate for the mini bus TN 74 3 7898.

11.It is humbly submitted that the petitioner has to abide the law in the matter of payment of proposed fine amount for the violation of not producing the valid regards at the



time of vehicle check. If this petitioner approached this respondent with relevant document, this respondent is ready to take appropriate steps to release of vehicle either of its own or through the third respondent".

3. Considering the above said submissions made by the first respondent, I am of the view that it is for the petitioner to approach the first respondent and produce relevant documents for the purpose of releasing the vehicle as stated supra.

4. Accordingly, this writ petition is disposed of by directing the petitioner to approach the first respondent with relevant documents and seek for releasing the above said vehicle. If the petitioner produces the relevant documents in respect of his claim, for the release of the vehicle, the first respondent shall consider the request and pass appropriate orders on the same on merits and in accordance with law without loss of any further time, however, within a period of two weeks from the date of production of the documents by the petitioner. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Regional Transport Authority cum,
The District Collector,
Nagercoil, Kanyakumari District.

2. The Superintendent of Police,
Nagercoil, Kanyakumari District.

3. The Inspector of Police (Traffic)
Nagercoil, Kanyakumari District.

+1CC to M/s.H.Velavadhas, Advocate in SR.8214

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sms

PBK 25/02/2015 ::2P-5C: (IT)