

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.Nos.33860 to 33862 of 2016

Dharparaniam ..Petitioner in W.P.No.33860 of 2016

P.Balasubramanian ..Petitioner in W.P.No.33861 of 2016

Selladurai ..Petitioner in W.P.No.33862 of 2016

/vs/

1.The State of Puducherry,
Transport Department
rep.by its Commissioner,
R.T.O. Office, 100 feet road,
Mudaliarpettai, Puducherry.

2.The Assistant Secretary,
State Transport Authority,
Karaikal District, Karaikal.

3.Motor Vehicle Inspector/
Assistant Motor Vehicle Inspector
Transport Department,
Karaikal, Puducherry State. ...Respondents in all Writ Petitions

Prayer in W.P.No.33860 of 2016:- Writ Petition filed under Article 226 of the Constitution of India, seeking for Writ of Mandamus, directing the respondents to return the vehicle Tata Magic four wheeler vehicle bearing Regn.No.PY 02 J 4867 to the petitioner forthwith.

Prayer in W.P.No.33861 of 2016:- Writ Petition filed under Article 226 of the Constitution of India, seeking for Writ of Mandamus, directing the respondents to return the vehicle Tata Magic four wheeler vehicle bearing Regn.No.PY 02 J 7012 to the petitioner herein forthwith.

Prayer in W.P.No.33862 of 2016:- Writ Petition filed under Article 226 of the Constitution of India, seeking for Writ of Mandamus, directing the respondents to return the vehicle Tata Magic four wheeler vehicle bearing Regn.No.PY 02 J 6193 to the petitioner forthwith.

For Petitioner in all WPs
For Respondents in all WPs

:Mr.K.M.Subrahmaniam
:Mr.C.T.Ramesh, AGP assisted
by
Mr.A.Tamilvanan, GA

COMMON ORDER

Heard Mr.K.M.Subrahmaniam, learned counsel appearing for the petitioners and Mr.C.T.Ramesh, learned Additional Government Pleader, who accepts notice on behalf of the respondents. By consent, these writ petitions are taken-up for final disposal.

2. The petitioners, who are the owners of TATA Magic four wheelers, have filed these writ petitions praying for issuing a direction upon the respondents to return the vehicles, which have been seized.

3. The petitioners' vehicles have been granted permits. It is an admitted fact that the permits are not valid as on date and it is stated that the applications for renewal are pending. The vehicles in question were inspected by the third respondent and the vehicle inspection record has been drawn stating that when the vehicles were checked, the drivers refused to stop the vehicles and drove the vehicles in a rash and negligent manner. Further, the inspection records state that at the time of checking, it was found that the petitioners are picking up and dropping passengers in road, causing obstruction to free flow of traffic and they are operating the vehicles as stage carriages. Further, they have refused to give records and there is also an allegation of over speeding. The drivers of the vehicles have not produced the driving licenses and they have willfully absconded and refused to sign the inspection reports. Therefore, the vehicles were detained. Pursuant to such action, the show cause notices have been issued by the second respondent dated 11.03.2016, calling upon the petitioners to the show cause notices, as to why, action should not be taken against the petitioners under Section 86 of the Motor Vehicles Act, 1988 for breach of permit condition No.14. The petitioners were granted seven days' time to submit their reply. The petitioners accordingly submitted their reply dated 17.03.2016 and also had given the representations to the Commissioner of Transport Department on 21.04.2016.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the vehicles have been detained for violation of permit condition and a public interest litigation was filed before this Court by the stage carriage operators against the persons, like the petitioners, who are violating the permit condition and operating their vehicles by picking up and dropping a set of passengers in the middle of the road by operating the vehicles as stage carriages and this Court issued certain directions alleging violation and a contempt petition was filed before this Court and this Court has directed the Authorities to take appropriate action and that is why the vehicles have been checked and action has been initiated. Further, the learned Additional Government Pleader appearing for the respondents submitted that the petitioners are not appearing before the second respondent and producing the records and if they appear and produce the records, the second respondent would pass appropriate orders.

5. In the light of the allegations, which have been made by the respondents against the petitioners and the petitioners having responded to the show cause notices and submitted their reply, it is but appropriate for the petitioners to appear before the second respondent with all records and on such appearance, the second respondent shall enquire into the matter and pass appropriate orders on merits and in accordance with law, within a period of one week, from the date, on which, the petitioners appear before the second respondent along with a copy of this order.

6. With the above directions, these writ petitions are disposed of. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The State of Puducherry,
Transport Department
rep.by its Commissioner,
R.T.O. Office, 100 feet road,
Mudaliarpettai, Puducherry.

2.The Assistant Secretary,
State Transport Authority,
Karaikal District, Karaikal.

3.Motor Vehicle Inspector/
Assistant Motor Vehicle Inspector
Transport Department,
Karaikal, Puducherry State.

+3 CC to Mr.K.M.Subrahmaniam, Advocate SR.Nos.55735 to 55737

+1 CC to Senior Government Pleader cum Senior Public Prosecutor-
SR.No.44194

CO-RJ

ths : 22.10.2016

W.P.Nos.33860 to 33862 of 2016