

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

W.P.No.43250 of 2016

Johal Carriers Private Limited,
Rep. By its Manager Operation
V.Suresh Kumar.

... Petitioner

vs.

1.The Regional Transport Officer,
Regional Transport Officer, Redhills,
GNT Road, Nallur Village,
Redhills, Thiruvallur - 600 067.

2. Motor Vehicle Inspector (NT),
Pethikuppam Check Post,
Pethikuppam, Thiruvallur District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents to consider the letter of the petitioner dated 30.11.2016 to compound the case and pay the compound fee and thereby return the confined vehicles bearing Trade Certificate Nos.TN 18 TC 0997, TN 18 TC 0999 and TN 18 TC 0474 to the petitioner.

For Petitioner : Mr.V.Kannadasan

For Respondents: Mr.R.Venkatesh,
Government Advocate (T)

O R D E R

1. Issue notice. Mr.Venkatesh, accepts notice on behalf of the respondents. With the consent of the parties, the writ petition is taken up for final disposal.

2. The limited relief that the petitioner seeks in the present writ petition is that the detained vehicles, which are three (3) in number, should be released to the petitioner on payment of compounding fee.

3. The petitioner says that several representations have been made in that behalf, but, there has been no response by the first respondent.

4. According to the petitioner, the total compounding fee, which is leviable is Rs.51,100/-, which, as indicated above, he wishes to pay to secure release of the subject vehicles.

5. The averments made in the writ petition suggest that the vehicles were being transported by the petitioner from Viralimalai, Pudukottai District to Kathmandu, Nepal.

6. The allegation made is that the petitioner's transporter took a route, which was designed to avoid the check post located at Pethikuppam in the State of Tamil Nadu. It is on account of this reason that the subject vehicles have been detained.

7. The petitioner, has further averred that the respondents have failed to consider the representations made in this behalf, which are dated 23.11.2016 and 30.11.2016. Via the said representations, the petitioner seeks release of the subject vehicles.

8. Having regard to the averments made before me, and after perusing the record, I am inclined to direct the respondents to consider the aforementioned representations and, accordingly, thereafter, release the subject vehicles, if, the petitioner, is willing to pay the appropriate compounding fee.

9. Needless to say, the aforesaid exercise will be carried out by the respondents, at the earliest, though not later than two (2) weeks from the date of receipt of a copy of the order.

10. The writ petition is disposed of in the aforesaid terms. There shall, however, be no order as to costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Regional Transport Officer,
Regional Transport Officer, Redhills,
GNT Road, Nallur Village,
Redhills, Thiruvallur - 600 067.

2. Motor Vehicle Inspector (NT),
Pethikuppam Check Post,
Pethikuppam, Thriuvallur District.

+1 cc to Mr.V.kannadasan,advocate,sr.73177

+1 cc to Govt.Pleader,sr.73688.

ca(co)
krd 19/12

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