

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.4741 of 2016

S.Nalini

... Petitioner

Vs.

1. The Regional Transport Authority,
Tirupur Region (South),
Collector's Office,
Tirupur South,
Tirupur.
2. The Secretary,
Regional Transport Authority,
Tirupur South, Tirupur - 641 605. ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents herein to forthwith release the vehicle TN 86 7077 of the petitioner.

For Petitioner : Mr.T.Padmanabhan
For Respondents : Mr.M.S.Ramesh,
Additional Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents to forthwith release the vehicle bearing No.TN 86 7077 of the petitioner.

2.It is the case of the petitioner that she is a permit holder of Mini Bus bearing No.TN 86 7077 for the route Tiruppur Old Bus Stand to Kalinathampalayam. The said vehicle was checked, while performing the trips on the route as usual, on 03.02.2016 by the Motor Vehicle Inspector attached to the 2nd respondent's office. As per the check report issued, the vehicle was seized and impounded. According to the petitioner, even if there is violation of permit condition, proviso to Section 207 (1) of the Motor Vehicles Act does not empower the authority to seize and impound the vehicle and only empower seizure of the document.

3.The learned counsel for the petitioner submitted that the issue involved in the present Writ Petition is covered by the decision of this Court made in W.P.No.758 of 2016 dated 07.01.2016.

4.Mr.M.S.Ramesh, learned Additional Government Pleader taking notice for the respondents submitted that the issue is covered by the judgment relied upon by the learned counsel for the petitioner.

5.Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in W.P.No.758 of 2016, I direct the respondents to release the petitioner's vehicle bearing No.TN 86 7077 forthwith on filing of an affidavit of undertaking to the effect that she will not alienate the same without prior permission from the respondents, however, after verification of all the relevant documents produced by the petitioner. As far as violation of permit is concerned, it is open to the respondents to proceed against the petitioner in accordance with law.

6.With this observation, the Writ Petition is disposed of.
No costs.

va

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Regional Transport Authority,
Tirupur Region (South),
Collector's Office, Tirupur South, Tirupur.

2. The Secretary,
Regional Transport Authority,
Tirupur South, Tirupur - 641 605.

+1cc to Mr.T.Padmanabhan, Advocate Sr.10152[18/02/2016]

nm(co)
prk17/2

W.P.No.4741 of 2016