

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5132 of 2016

S.Jayavel

.. Petitioner

v.

1 The Motor Vehicle Inspector
Grade-I
Regional Transport Office
Hosur

2 The Regional Transport Officer
Hosur

3 The Inspector of Police
Hudco Police Station
Hosur

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to release the petitioner's tourist Maxi Cab bearing Registration No. TN.70-D-9164 which was seized by the first respondent and now in the custody of the third respondent.

For Petitioner : Mr.A.Ganesan

For Respondent : Mr.M.S.Ramesh
Addl. Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the second respondent to release his tourist Maxi Cab bearing Registration No.TN.70-D-9164, which was seized by the first respondent and now in the custody of the third respondent.

2. According to the petitioner, he is the owner of the vehicle bearing Registration No.TN.70-D-9164, which is covered by contract carriage Maxi Cab permit issued by the Regional Transport Authority, Hosur (Valid upto 27.09.2016). On 4.2.2016, when the vehicle was proceeding from Hosur to Sulagiri

with passengers, the vehicle was stopped by the first respondent for verification and after scrutiny, the first respondent noted some irregularities. The said vehicle was temporarily detained by the first respondent and handed over to the third respondent custody. In this connection, the petitioner approached the second respondent for release of the vehicle and produced the valid records on 8.2.2016, however, the second respondent has not released the vehicle so far.

3. Mr. M.S.Ramesh, learned Additional Government Pleader takes notice for the respondents and submitted that the third respondent may be directed to release the vehicle after verification of all the relevant records in accordance with law.

4. It is settled position of law that for violation of the permit conditions, the respondents are entitled to take action as per the rules and regulation for cancellation of permit. It is also seen from Section 207 of the Motor Vehicles Act that on production of relevant documents by the owner of the seized vehicle, it is the duty of the respondents to consider the release of the said vehicle, but in the case, it has to be done.

5. In these circumstances, the third respondent is directed to release the petition mentioned vehicle after verification of all the relevant documents produced by the petitioner and on further condition that the petitioner shall file an affidavit of undertaking to the effect that the petitioner will produce the petition mentioned vehicle as and when required by the respondents and will not alienate the vehicle, without prior permission from the respondents, forthwith. It is also open to the respondents to proceed against the petitioner for the alleged violation of the permit conditions, in accordance with law.

With these observations, the writ petition is allowed.
No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

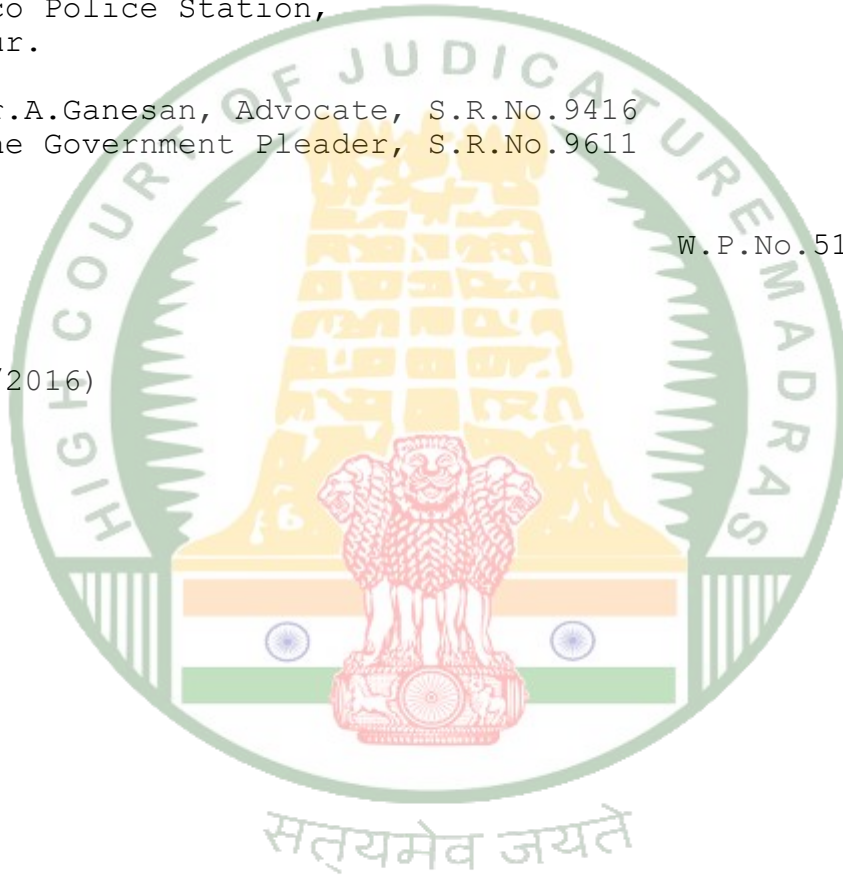
To

- 1 The Motor Vehicle Inspector,
Grade-I,
Regional Transport Office,
Hosur.
- 2 The Regional Transport Officer,
Hosur.
- 3 The Inspector of Police,
Hudco Police Station,
Hosur.

+1cc to Mr.A.Ganesan, Advocate, S.R.No.9416
+1cc to the Government Pleader, S.R.No.9611

W.P.No.5132 of 2016

cnr (CO)
srg (18/02/2016)



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