

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2016

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P. No. 7428 of 2016

A. Sivasubramanian

..Petitioner

Vs.

The Regional Transport Officer,
Chengelpet.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondent herein to forthwith release the petitioner's mini bus vehicle bearing Registration No. TN-51/V-3388 and kept in the custody of the respondent on such terms and conditions, as this Hon'ble Court may deem fit.

For Petitioner :: Mrs.S. Radha Gopalan

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

O R D E R

The petitioner has filed the above writ petition for issue of a Writ of Mandamus directing the respondent to forthwith release the petitioner's mini bus vehicle bearing Registration No. TN-51/V-3388 and kept in the custody of the respondent.

2. It is the case of the petitioner that on 28.01.2014, the vehicle in question was transferred in the name of the petitioner by the proceedings of the Assistant Registering Authority, Regional Transport Office, Tirupur (North). On 29.01.2014, by the proceedings of the Secretary, Regional Transport Authority, Tirupur (North), the stage carriage mini bus permit in respect of Vehicle No. TN 45 A 7867 was replaced by the vehicle in question, bearing Registration No. TN-51 V 3388. On 18.01.2016, the vehicle was inspected by the Motor Vehicles Inspector, Grade I, Madurantagam and a check report was issued. It is also the case of the petitioner that the fitness certificate of the vehicle in question expired on 02.11.2015 and therefore, he had kept the vehicle in his office. While so, since the vehicle was not on road for quite sometime

and in order to renew the fitness certificate and to carry out major engine repair works and painting works, the vehicle was taken from Coimbatore to Chennai. According to the petitioner, the driver of the vehicle, without his knowledge, while taking the vehicle from Coimbatore to Chennai, had taken some passengers for his own self-benefit and thereby, misused the petitioner's vehicle. However, the petitioner has stated that he is vicariously liable for the action of the driver and that he is prepared to pay the fine as prescribed under the Motor Vehicles Act. According to the petitioner, the vehicle was detained by the respondent on 18.01.2016 stating that the vehicle was plying without valid permit and therefore, the petitioner gave a representation to the respondent on 15.02.2016 requesting for the release of the vehicle. However, the respondent has not released the vehicle so far.

3. Mr.M.S. Ramesh, learned Additional Government Pleader, appearing for the respondent, on instructions, submitted that the respondent is willing to release the vehicle, provided the petitioner furnishes all the original documents before the respondent.

4. Having regard to the submissions made by the learned counsel on either side, the petitioner is directed to produce all the original documents pertaining to the vehicle, excepting the permit, before the respondent and on such production of the original documents, the respondent is directed to release the vehicle immediately. It is made clear that the respondent shall return the original documents produced by the petitioner, after verifying the same, to the petitioner, immediately.

5. With the above observations, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

nv

To

The Regional Transport Officer,
Chengelpet.

+1 cc to Ms.S.Radha Gopalan Advocate sr.14677

W.P. NO. 7428 of 2016

cnr (co)

aa08/03/2016