IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.03.2016

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THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.8380 of 2016
and
W.M.P.No.7422 of 2016

S.Sundararajan ... Petitioner

Vs.

1.The Regional Transport Officer,
Sulur Police Unit,
Papampatti Pirivu,
Coimbatore District.

2.The Regional Transport Officer,
Pallakadu, Kerala State. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in No.A.0170675 dated 22.02.2016 on the file of the 1st respondent and quash the same as without jurisdiction and direct the respondent to complete the adjudication in accordance with the Motor Vehicles Act, 1988.

For Petitioner : Dr.A.Thiagarajan,
Senior Counsel
for M/s.S.Ramesh Kumar

For Respondent : 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 certiorarified mandamus to call for the records of the 1st respondent dated 22.02.2016 on the file of the 1st respondent and quash the same as without jurisdiction and direct the respondent to complete the adjudication in accordance with the Motor Vehicles Act, 1988.

2.It is the case of the petitioner that on 22.02.2016, the 1st respondent detained the Passenger Carriage Bus and took the Passenger Bus to Sulur Police Station and detained the vehicle. In the proceedings dated 22.02.2016, the respondent has stated that the Passenger Carriage Bus got a special permit with contract passengers to drop from Kerala to Tamil Nadu State. According to the petitioner, the Driver of the bus

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misused the contract by carrying the students of Kalaignar Karunanidhi Institute of Technology, Kumarapalayam, P.V. Coimbatore and picked them up on 18.02.2016 for an industrial visit to Kerala. Further, the respondent alleged that by misusing the special permit and evading the payment of full quantity VAT Tax and proposed to suspend the permit under Section 86(1) of the Motor Vehicles Act. Challenging the order dated 22.02.2016, the petitioner has filed the above Writ Petition.

3.Mr.M.S.Ramesh, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that in the event of the petitioner producing all the original documents of the vehicle bearing Registration No.KL 70 A 1011 and paying the entire tax due to the Tamil Nadu Government as per the Tamil Nadu Motor Vehicles Taxation Act, 1974, the 1st respondent is willing to release the vehicle.

4.Mr.A.Thiagarajan, learned senior counsel appearing for the petitioner submitted that the petitioner is willing to produce all the original documents before the 1st respondent and also willing to pay the entire tax due to the 1st respondent.

5.Having regard to the submissions made by the learned counsel on either side, in view of the submissions made by the learned Additional Government Pleader, the petitioner is directed to produce all the original documents pertaining to the vehicle bearing Registration No.KL 70 A 1011 and also directed to pay the entire tax due to the respondent as per the Tamil Nadu Motor Vehicles Taxation Act, 1974. On production of the original documents and on paying the tax due to the 1st respondent, the 1st respondent is directed to release the vehicle forthwith. It is also made clear that after verifying the original documents, the 1st respondent shall return the original documents to the petitioner without any delay.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Regional Transport Officer,
Sulur Police Unit,
Papampatti Pirivu,
Coimbatore District.

2.The Regional Transport Officer,
Pallakadu, Kerala State.

+ 1 cc to M/s.S.Ramesh Kumar, Advocate Sr 14983

KR/10/3/16

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