



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.23578 of 2016

Merlin Jeba

... Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.

3.The Secretary,
Regional Transport Authority,
Marthandam,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to return the original Registration Certificate pertaining to the lorry bearing Registration No.TN-37-BK-7484 to enable the petitioner to get State permit from the third respondent.

For Petitioner

: Mr.T.Lenin Kumar

For Respondents

: Mr.J.Gunaseelan Muthiah
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2.By consent, the Writ Petition itself is taken up for final disposal.

3.According to the petitioner, the petitioner's lorry bearing Registration No.TN-37-BK-7484 has been seized by the first respondent. Subsequently, the petitioner filed a Writ Petition in Writ Petition (MD) No.23578 of 2016 and this Court, by an order, dated 15.07.2016, released the petitioner's vehicle temporarily with certain conditions and the same reads as follows:-



(a) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in cash before the first respondent;

(b) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle;

(c) The petitioner is to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondents (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed."

4. Pursuant to the order passed by this Court, the petitioner produced the original RC book before the first respondent and complied with all the conditions and the vehicle was released. Now, the petitioner wants to change the permit from National permit to State permit. For that purpose, the petitioner requires original RC Book temporarily. When he approached the first respondent to issue the same, the first respondent did not come forward to return the original RC Book. Hence, the petitioner has filed the present Writ Petition.

5. The learned Government Advocate appearing for the respondents would submit that pursuant to the order passed by this Court, the first respondent issued notice to the petitioner to produce the vehicle twice, but the petitioner did not produce the same and the petitioner is trying to transfer the ownership. As per the condition passed by this Court, the petitioner is bound to produce the vehicle as and when required by the first respondent.

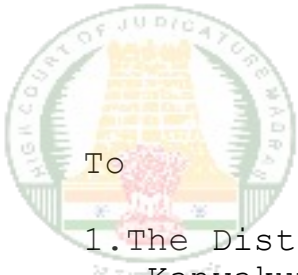
6. In such circumstances, the petitioner is directed to produce the vehicle before the first respondent and on such production of the vehicle for enquiry, the first respondent is directed to hand over the original registration certificate of the lorry for a period of two weeks from the date of production of vehicle for enabling her to transfer the permit and after transferring the permit, the petitioner is directed to return the original RC Book to the first respondent and the petitioner is also directed to give an undertaking to the first respondent that she will produce the vehicle as and when required for the purpose of enquiry. After obtaining the undertaking, the respondent should permit the petitioner to take the vehicle.

7. With the above direction, this Writ Petition is closed.
No costs.

Sd/-

Assistant Registrar(co)

/True copy/



To

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.

3.The Secretary,
Regional Transport Authority,
Marthandam,
Kanyakumari District.

+1cc to Mr.T.Lenin Kumar, Advocate SR.No.78637
+1cc to special Government Pleader SR.NO.78962

ps

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W.P (MD) No.23578 of 2016
02.12.2016