



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.02.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.2411 of 2016

P.Maria Wilfred

..Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

..Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to release the Petitioner's Mini Bus bearing Registration No.TN 65B 8152, which was seized on 28.01.2016.

For Petitioner : Mr.A.C.Asaithambi

For Respondent : Mr.T.R.Janarthanam,
Additional Government Pleader

ORDER

Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the respondent.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This writ petition has been filed praying for a Writ of Mandamus to direct the respondent to release the Petitioner's Mini Bus bearing Registration No.TN 65B 8152, which was seized on 28.01.2016 by the respondent, to the petitioner.

4. The learned Counsel appearing for the petitioner would bring to the notice that in similar circumstances, this Court considered the issue involved in the Writ Petition in W.P.(MD)No.14897 of 2015 and ordered to release the vehicle with certain conditions.

5. The learned Additional Government Pleader has not refuted the said submission of the learned Counsel appearing for the petitioner. However, he prayed this Court that stringent conditions may be imposed for stopping such occurrence.

6. Considering the facts and circumstances of the case and in view of the fact that the vehicle in question is kept without any use by exposing it to the sun and the rain, it would certainly lose its value, the respondent is directed to release the vehicle in question to the petitioner on the following conditions:

(i) The petitioner shall produce necessary documents before the respondent to establish to prove his ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.10,000/-(Rupees Ten thousand only) with the respondent;



(iii) The petitioner shall give an undertaking that he will not use the vehicle or any other vehicle for any illegal activities and also he will not indulge in such activities in future;

(iv) The vehicle shall be produced to the respondent as and when required."

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7. After fulfilling all the four conditions, the respondent shall release the vehicle in question to the petitioner with a specific condition that he shall not alienate or encumber the vehicle in question till the disposal of the proceedings before the Authorities concerned. It is also made clear that it is open to the Authorities to take appropriate action against the petitioner, in case, he violates any one of the conditions stipulated in this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1cc to M/s.A.C.Asaithambi, Advocate in SR.6561
+1cc to the Special Government Pleader, in SR.6837

W.P (MD) No.2411 of 2016
03.02.2016

pm
PBK/SK-SKN/SAR-I 04/02/2016 ::2P-4C:: (IT)