



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.8058 of 2016

M.Syed Niyas

... 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 50B 5184 which was seized on 13.04.2016.

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 final disposal at the admission stage itself.

3. This writ petition has been filed praying for a Writ of Mandamus directing the respondent to release the petitioner's Mini Bus bearing Registration No.TN 50B 5184, which was seized on 13.04.2016.

4. In similar circumstances, this Court, by an order dated 25.07.2011 in W.P(MD)No.8110 of 2011, directed the respondents therein to release the vehicle subject to certain conditions. The said order has been followed in W.P(MD)No.4548 of 2012, dated 12.04.2012.

5. Following the above said orders, the Writ Petition is disposed of on the following conditions:

"(i) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the respondent within one week from the



date of receipt of a copy of this order;

(ii) the petitioner shall produce documents before the respondent to establish the ownership of the vehicle in question;

(iii) the petitioner shall give an undertaking that he will not use the vehicle in a route not authorised to ply and shall produce the vehicle as and when required by the respondent;

(iv) On doing so, the vehicle in question shall be returned to the petitioner;

(v) the petitioner shall not alienate the vehicle in question, till the disposal of the proceedings before the authority concerned.

(vi) the respondent is also directed to exercise his powers as contemplated under Section 86 of the Motor Vehicles Act, within a period of four weeks.

No Costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

The Regional Transport Officer,
Marthandam, Kanyakumari District.

Pm

JM/AN-MP/SAR-I/29.04.2016/2P-2C

W.P (MD) No.8058 of 2016
25.04.2016