

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.7898 of 2017
&
W.M.P.No.8634 of 2017

N. Dhanabakkiyam

...Petitioner

Vs.

1.The Motor Vehicles Inspector
Grade-I, R.T.O. Office, Krishnagiri.

2.The Regional Transport Officer
Krishnagiri.

3.The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.

...Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents 2 and 3 herein to release the petitioners spare bus - TN-30/J-1011 (seized by the 1st respondent now in the custody of the 3rd respondent), forthwith.

For Petitioner .. Mr.K.Hariharan

For RR1 to RR3 .. Mr. C.Jagadish
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner seeks for a mandamus to direct the respondents 2 and 3 to release the petitioner's spare bus bearing registration No.TN-30/J-1011, which was impounded by the 1st respondent on 25.03.2017.

2. Heard learned counsel for the petitioner and Mr.C.Jagadish, learned Special Government Pleader, who takes notice on behalf of the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage.

3. It is stated that the petitioner's spare bus bearing Registration No. TN-30/J-1011 was impounded on 25.03.2017 on the allegation that it did not carry relevant documents, namely, driving license of the driver, registration certificate, fitness certificate & pollution control certificate. According to the petitioner, those documents are very much available and the petitioner is ready and willing to produce the same before the respondents. It is further stated that the petitioner's request for release of the vehicle as sought for through his representation dated 27.03.2017 is not considered and the respondents are keeping the vehicle idle, thereby, allowing the same to get exposed to sun and rain which would diminish its value. Therefore, the learned counsel for the petitioner submitted that once the petitioner produces the relevant documents, the respondents may be directed to release the vehicle forthwith and thereafter they can issue proceedings imposing compounding fee, if any, which the petitioner will challenge before appropriate forum in the manner known to law.

4. Learned counsel for the respondents submitted that the respondents will pass appropriate orders fixing the compounding fee and inform the same to the petitioner without loss of further time.

5. Considering the above stated facts and circumstances and considering the fact that the vehicle was seized as early as 25.03.2017 and the same is kept idle at the premises of the 2nd respondent, the writ petition is disposed of with the following directions, which according to my view, will protect the interest of both parties.

a) The petitioner shall produce all the relevant documents / certificates before the 2nd respondent immediately on receipt of a copy of this order.

b) On receipt of production of those documents/ certificates, the 2nd respondent shall release the vehicle after getting an undertaking from the petitioner that he will not alienate the same and produce the vehicle before the 2nd respondent as and when required.

c) The respondents shall pass orders and inform the petitioner about the quantum of compounding fee fixed in this matter within a period of two weeks thereafter.

No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

gv/nmm

To

1. The Motor Vehicles Inspector
Grade-I, R.T.O. Office, Krishnagiri.
- 2.The Regional Transport Officer
Krishnagiri.
- 3.The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.

+1CC to Mr.K.Hariharan,Advocate SR19958

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KS (CO)
CB(06-04-2017)



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