

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.11114 of 2017

S.Nalini

.. Petitioner

Vs.

1. The Secretary,
Regional Transport Authority,
Tirupur Region, Tirupur South.

2. The Inspector of Police (Crimes)
Tirupur North Police Station,
Kamaram Salai, Tirupur.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to release the petitioner's vehicle bearing Regn.No.TN 59 N 0750 permitted to ply on the route Thirupur Old Bus stand - Kalinathampalayam on the route which is in the custody and stationed in office premises of the 1st respondent.

For Petitioner : Mr.M.Palani
For Respondents : Mr.A.Kumar
Special Government Pleader.

O R D E R

This writ petition is filed seeking for a Mandamus directing the 1st respondent to release the petitioner's vehicle bearing Regn.No.TN 59 N 0750 permitting to ply on the route, Tirupur Bus stand Kalinathampalayam.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. It is seen that the subject matter vehicle was seized as early as on 18.12.2015 on an allegation that the vehicle was not operated on the permitted route and the Registration Certificate, permit, tax token and driver licence were not available for check.

4. A counter affidavit is filed by the 1st respondent wherein it is stated that apart from the above discrepancies, it is also found that the chassis number embossed in the vehicle

differed from the entry in the Registration Certificate. It is also stated in the counter affidavit that the detained mini bus is now in the custody of the Regional Transport Officer, Tirupur (North) available in CSR No.315 on 06.04.2016 by the Inspector of Police, Tirupur Crime Branch upon the complaint lodged by the Regional Transport Officer, Tirupur(North).

5. When the matter was taken up for hearing on the last occasion on 23.10.2017, this Court directed the learned Special Government Pleader to verify from the 2nd respondent as well as the Superintendent of Police, Tirupur, as to the stage of investigation in pursuant to the complaint said to have been given by the 2nd respondent, as directed by this Court on 08.03.2016 in W.P.No.2269/2016. Accordingly, when the matter is taken up today for further hearing, learned Special Government Pleader submitted that the criminal case in FIR No.669 dated 24.10.2017 was registered, which is now pending before the Tirupur Central Police Station.

6. When a serious allegation of change of chassis number as against the entry in the registration certificate is made and in pursuant of such allegation, a criminal case is also registered as stated supra, this Court is not inclined to entertain the present writ petition and grant any relief to the petitioner as the the matter is seized of by the criminal prosecution launched against the petitioner, which, he has to face in accordance with law. However, Mr.M.Palani, learned counsel appearing for the petitioner submitted that the petitioner may be permitted to replace a new bus in the place of the subject matter bus, for continuing to ply in the permitted route, by specifically contending that the permit granted to the petitioner is still in force. Needless to say that if any such application is made by the petitioner, the same shall be considered by the concerned authority on its own merits and in accordance with law.

7. With the above observation, this writ petition is dismissed. No costs.

सत्यमेव जयते

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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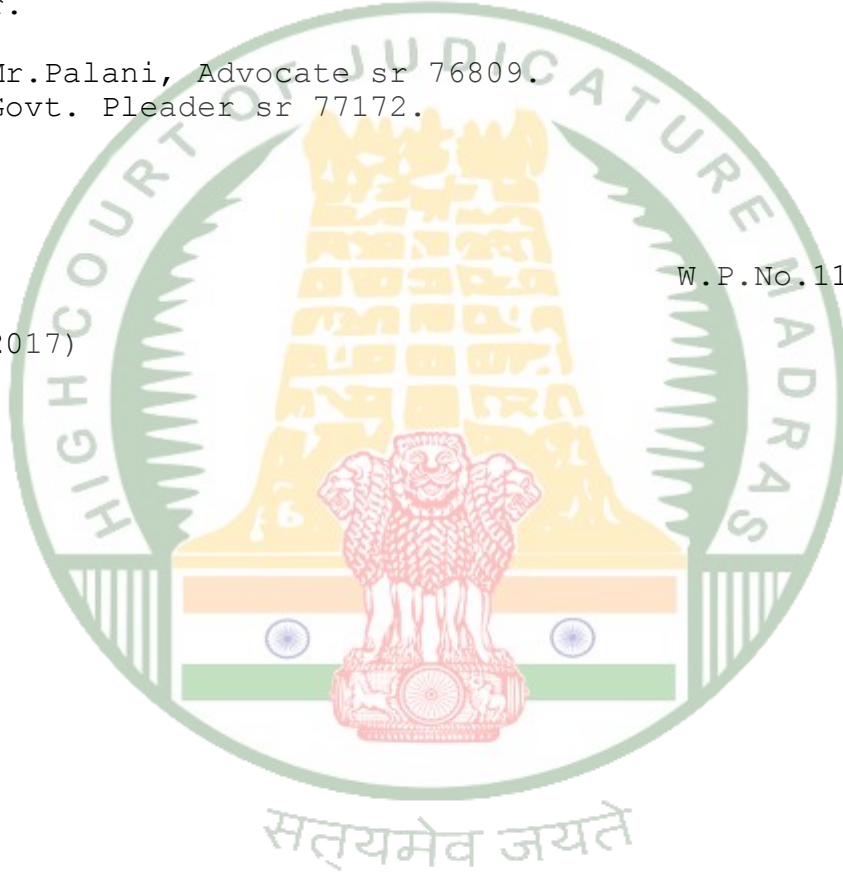
1. The Secretary,
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2. The Inspector of Police (crimes)
Tirupur North Police Station,
Kumaran Salai,
Tirupur.

+1 Cc to Mr.Palani, Advocate sr 76809.

+1 cc to Govt. Pleader sr 77172.

W.P.No.11114 of 2017

SP(03/11/2017)



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