

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.32252 of 2017

T.S.M.Jain College of Technology,
represented by its Chairman,
T.Manohar Kumar Surana,
No.113, Salem Main Road,
Kallakurichi and Taluk,
Villupuram District. ..Petitioner

Vs.

1. The Secretary,
Regional Transport Authority,
Ulundurpet,
Villupuram District.
2. The Regional Transport Authority,
The Regional Transport office,
Villupuram.
3. The Inspector of Police,
Kachirapalayam Police Station,
Villupuram District. ... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents herein to forthwith return the petitioner's Educational Institution Vehicle (Omnibus) bearing Registration No.TN 32 W 7866 which was removed from the possession of the petitioner and kept in custody of the 3rd respondent upon such terms and conditions as this Court may impose upon the petitioner.

For Petitioner : Mr.M.Chandra Prakash

For Respondents : Mr.P.V.Selvakumar,
Additional Government Pleader

O R D E R

The petitioner seeks for a Mandamus directing the respondents herein to forthwith return the petitioner's Educational Institution Vehicle (Omnibus) bearing Registration No.TN 32 W 7866 which was removed from the possession of the petitioner and kept in custody of the 3rd respondent upon such terms and conditions as this Court may impose upon the petitioner.

2. It is the case of the petitioner that the Petitioner is an Engineering College approved by the All India Council for Technical Education, New Delhi and presently affiliated to Anna University, Chennai. The petitioner has been using the permit in respect of an Omnibus bearing Registration No. TN 32 W 7866 and the petitioner Institution is utilizing it solely for the purpose of transporting students and staffs of the Petitioner Institution. While the vehicle was taking its trip on 23.11.2017, around 630 p.m. it met with an accident and the 3rd respondent herein has registered a case in FIR No.618 of 2017 under Sections 279, 337 and 304(A) IPC. The vehicle was seized by the 3rd respondent and has been kept in the custody of the 3rd respondent. The original driving license of the driver was also seized by the 3rd respondent. The Motor Vehicles Inspector had inspected the vehicle on 28.11.2017 and submitted his report on 28.11.2017 to the 2nd and 3rd respondents. As per Section 136 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act") if an accident vehicle is inspected by the transport authority, within 24 hours, the vehicle has to be returned to the owner of the vehicle or the person in charge of the vehicle. However, contrary to the provision of the Act, the vehicle was still under the custody of the 3rd respondent.

3. Since the Motor vehicles Inspector had already inspected the vehicle and also gave a report, as per Section 136 of the Act, the vehicle should have been returned to the owner of the vehicle. In the case on hand, till today, the vehicle has not been returned to the petitioner which is against the provisions of the said Act.

4. In these circumstances, I direct the respondents to return the petitioner's Omnibus vehicle bearing registration No.TN 32 W 7866 to the petitioner, after verification of all the relevant documents produced by the petitioner and on further condition that the petitioner shall file an affidavit of undertaking to the effect that the petitioner will produce the petition mentioned vehicle as and when required by the respondents and will not alienate the same, without prior permission from the respondents, forthwith. It is also open to the respondents to proceed against the petitioner for the

alleged violation of the permit conditions, in accordance with law.

5. With the above observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

vsi

To

1. The Secretary,
Regional Transport Authority,
Ulundurpet, Villupuram District.
2. The Regional Transport Authority,
The Regional Transport office, Villupuram.
3. The Inspector of Police,
Kachirapalayam Police Station,
Villupuram District.

+1cc to Mr.M.Chandra Prakash, Advocate SR.No.90779

GN(20/12/2017)

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