

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

W.P.No.2264 of 2017
and W.M.P.No.2232 of 2017

P.K.Venkatesan

... Petitioner

vs.

1. The Transport Commissioner,
State Transport Authority,
Chepauk, Chennai.
2. The Regional Transport Officer,
Chengalpet.
3. The Motor Vehicles Inspector,
Regional Transport Office,
Chengalpet.

... Respondents

* * *

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, or any other appropriate writ or order or direction in the nature of a writ, directing the second respondent to release the contract carriage omnibus of the petitioner in respect of vehicle bearing registration No.TN37 BL 4500, to the petitioner which is now kept within the office compound of the second respondent.

* * *

For Petitioner : Mr.S.Govindraman

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

ORDER

1. On the previous date, i.e., 31.01.2017, I had asked Mr.Akhil Akbar Ali, to obtain instructions in the matter.

1.1. Learned counsel was also directed to examine the original record.

2. Furthermore, the petitioner was given liberty to file additional documents.

2.1. The additional documents have been placed on record today, in Court, by the learned counsel for the petitioner.

3. The additional documents include a certificate dated 11.01.2017, issued by an entity going by the name Maaruti Coach Builders Private Limited. Via this certificate, it is indicated that the subject vehicle bearing registration No.TN 37 BL 4500, belonging to the petitioner, was received for repairs on 19.12.2016, and thereafter, was released to the petitioner on 11.01.2017.

4. The other document, which has been filed, is a document, which is generated on the letter head of M/s.Aiswariya Lakshme Auto Care.

4.1. The said document is indicative of the fact that, the charges in the sum of Rs.1,45,000/-, were collected in connection with the subject vehicle, on account of it being serviced. The aforesaid document seems to indicate that the subject vehicle was received, after it had been serviced, on 11.01.2017.

5. The grievance of the petitioner is that the subject vehicle was intercepted by the respondent on 13.01.2017, when, it was proceeding from Erode to Chennai, after it was repaired and serviced.

5.1. These documents have been filed, on behalf of the petitioner, to demonstrate that from 19.12.2016 up till 11.01.2017, the subject vehicle was under repairs, with Maaruti Coach Builders Private Limited, and that, thereafter, it was handed over to Aiswariya Lakshme Auto Care for servicing, on 11.01.2017.

5.2. The petitioner, thus, seeks to portray that the subject vehicle was not in operation, till 13.01.2017.

5.3. It is also averred by the petitioner that he has a valid permit issued to him, concerning the subject vehicle.

5.4. According to the petitioner, the permit issued to him is valid till 09.11.2020.

5.5. Furthermore, the petitioner submits that Motor Vehicle tax has been paid up till the last quarter of 2016, i.e., for the period 01.10.2016 to 31.12.2016. In so far as the quarter ending March 2017 is concerned, it is stated that 45 days grace period is available to the petitioner.

5.6. Resultantly, learned counsel for the petitioner says that the requisite motor vehicle tax qua the quarter ending 31.03.2017, will be paid within the grace period.

6. Mr.Akhil Akbar Ali, says he has received instructions to the effect that the subject vehicle was impounded on 13.01.2017, as it was ferrying four passengers without the necessary documents being available with the Driver, including the fitness certificate and the insurance papers.

8. Mr.Akhil Akbar Ali, further says that, if, compounding fee is paid, and the relevant documents, in original, are produced, the respondents will release the subject vehicle.

9. Accordingly, the writ petition is disposed of with a direction to respondent No.2 to determine the compounding fee and communicate the same to the petitioner.

9.1. Upon the petitioner being communicated the compounding fee, he will at liberty to pay the same in order to seek release of his vehicle.

9.2. Needless to say, upon payment of compounding fee, respondent No.2 will, forthwith, release the subject vehicle to the petitioner.

9.3. It will be, however, open to the petitioner to take recourse to an appropriate remedy, to assail the imposition of compounding fee, albeit, in accordance with law.

9.4. Needless to say, the aforementioned exercise will be completed by the respondent as expeditiously as possible, though, not later than 17.02.2017.

10. Resultantly, pending application shall stand closed. There shall, however, no order as to costs.

s/d-
Assistant Registrar(CO)

//True Copy//

Sub-Assistant Registrar

To

1. The Transport Commissioner,
State Transport Authority,
Chepauk, Chennai.
2. The Regional Transport Officer,
Chengalpet.
3. The Motor Vehicles Inspector,
Regional Transport Office,
Chengalpet

+1 CC to Governemt Pleader sr 8309

W.P.No.2264 of 2017

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