

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBARAKAN

W.P.No.23417 of 2017

&

WMP.No.24542 of 2017

S.Usharani

.... Petitioner

Vs

1.The Regional Transport Officer,
Ulundurpet,
Villupuram District.

2.The Motor Vehicles Inspector, Grade I,
Regional Transport Office,
Ulundurpet, Villupuram District.

3.The Sub Inspector of Police,
Ulundurpet Police Station,
Villupuram District.

4.The Regional Transport Officer,
Erode (West), Erode.

.... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 3 to release the Goods Carrier bearing Registration No.TN 28 AF 6537 to the petitioner which is presently impounded and kept in the police station of the 3rd respondent.

For Petitioner : Mr.S.Govindraman

For Respondents : Mr.R.Venkatesh

Learned

Government Advocate.

ORDER

The petitioner's vehicle bearing Regn.No.TN 21 AN 5664, met with an accident on 14.08.2017, in which a person died. Therefore, the lorry was seized by the police and it is parked in the police station. Therefore, the petitioners approached this Court seeking release of the vehicle.

2. Heard Mr.S.Govindraman, learned Counsel for the petitioner and Mr.R.Venkatesh, learned Government Advocate appearing for the respondents.

3. In a similar circumstances, this Court in W.P.No.21243/2017 by order dated 09.08.2017 had ordered to

release the vehicle subject to following conditions:

(i)The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) in cash with the first respondent.

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

(iii)The petitioner shall file an undertaking that he will produce the vehicle in question before the respondent as and when called for and that he will not alienate the vehicle in question till the proceedings initiated are completed.

(iv)On compliance of the above conditions, the respondent is directed to release the vehicle to the petitioner within two days.

(v)The respondent shall proceed with the enquiry and pass appropriate orders. The petitioner is also directed to appear and co-operate with the enquiry.

(vi)This order for release of vehicle can be availed of by the petitioner if no criminal case is pending. If any criminal case is pending, it is open to the petitioner to approach the Jurisdictional Magistrate to get release of the vehicle by filing appropriate application and the same can be considered in accordance with law.

(vii)As directed by the 1st respondent, the petitioner shall pay the compounding fee within a period of two weeks from the date of receipt of a copy of this order.

4. Hence, the writ petition stands disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

Sd/

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Regional Transport Officer,
Ulundurpet,
Villupuram District.

2.The Motor Vehicles Inspector,
Grade I, Regional Transport Office,
Ulundurpet, Villupuram District.

3.The Sub Inspector of Police,
Ulundurpet Police Station,
Villupuram District.

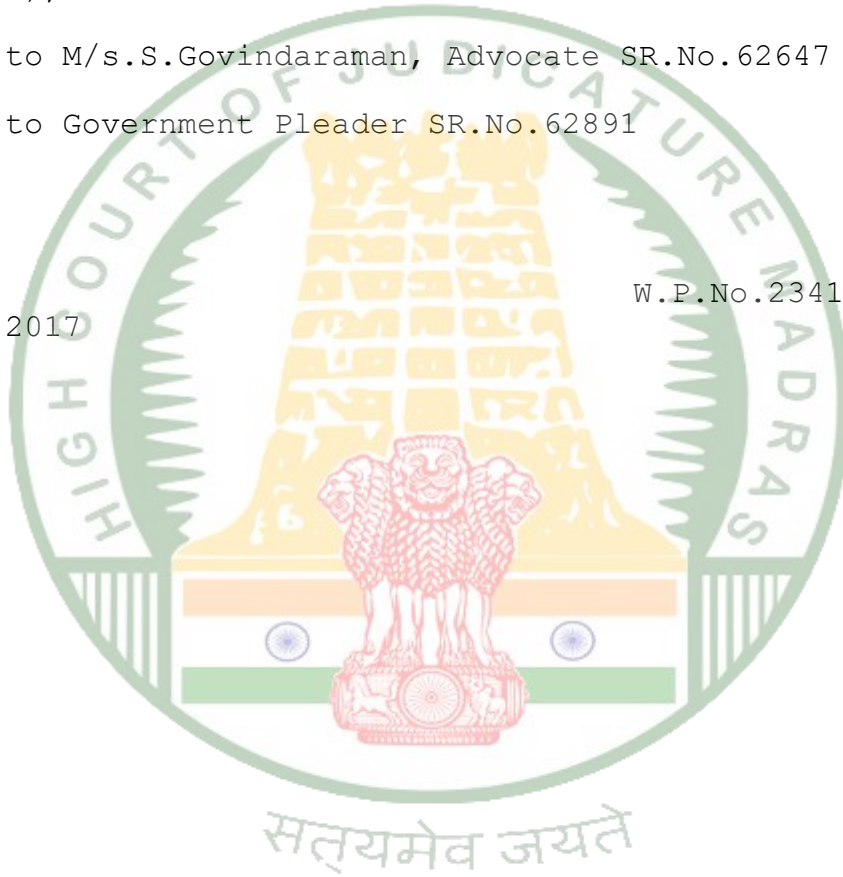
4.The Regional Transport Officer,
Erode (West), Erode.

+1cc to M/s.S.Govindaraman, Advocate SR.No.62647

+1cc to Government Pleader SR.No.62891

SDR 28.09.2017

W.P.No.23417 of 2017



WEB COPY