

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.23772 of 2017 &
W.M.P.No.24996 of 2017

R.Geetha

... Petitioner

v.

- 1 The Motor Vehicles Inspector Grade-II
Regional Transport Office
Meenambakkam
Chennai- 600 016

- 2 The Regional Transport Officer
Meenambakkam
Chennai-600 016

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd respondent herein to release the petitioner's Contract Carriage Omni Bus TN-45/AS-7373 (Seized by the 1st respondent now in the custody of the 2nd respondent) forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.R.Venkatesh
Govt. Advocate

सत्यमेव जयते

O R D E R

Mr.R.Venkatesh, learned Government Advocate, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 2nd respondent to release the petitioner's Contract Carriage Omni Bus TN-45/AS-7373 (Seized by the 1st respondent now in the custody of the 2nd respondent) forthwith.

3. It is the case of the petitioner that they holds a contact carriage Omni bus permit issued by the State Transport Authority, Chennai in respect of the Vehicle No.TN-45/AS-7373, dated 12.04.2016. On 29.06.2017, when the vehicle was on a tour, the 1st respondent checked the vehicle and seized the vehicle for the alleged violation of permit conditions such as original records of the vehicle not produced for check and AVT Form and trip sheet not produced for check etc. After seizure, the 1st respondent left the custody of the vehicle with the 2nd respondent. Thereafter, on 19.08.2017, the petitioner's driver produced all the original records of the vehicle before the 2nd respondent and requested to release the vehicle, but, the vehicle was not released till this date. Even on 19.08.2017, the petitioner gave a representation to the 2nd respondent and requested to release the vehicle. But, till date, the vehicle has not been released.

4. Since the request was made to release the vehicle under Section 207(2) 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, against the provisions of the Act.

5. In these circumstances, I direct the respondents 1 and 2 to return the petitioner's vehicle bearing Registration No. TN-45/AS-7373 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.

With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Rj

To

1 The Motor Vehicles Inspector Grade-II
Regional Transport Office
Meenambakkam
Chennai- 600 016

2 The Regional Transport Officer
Meenambakkam
Chennai-600 016

+1 cc to Mr.K.Hariharan Advocate sr 63513

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