

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.23893 of 2017

A.Seetharaman

... Petitioner

v.

1 The Regional Transport Officer
Villupuram

2 The Inspector of Police
Vikravandi Police Station
Villupuram District

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents herein to release the petitioner vehicle bearing Registration No. PY-05/B-7799 which was impounded by the Motor Vehicles Inspector Grade I, Villupuram and kept with the custody of the 2nd respondent herein along with the original documents on such terms and conditions, as this court may deem fit and proper.

For Petitioner : Ms.G.P.Bhargavi

For Respondents : Mr.S.Diwakar
Special Government Pleader

ORDER

Mr.Mr.S.Diwakar, learned Special Government Pleader 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 respondents to release his vehicle bearing Registration No. PY-05/B-7799 which was impounded by the Motor Vehicles Inspector Grade I, Villupuram and kept with the custody of the 2nd respondent along with the original documents.

3. It is the case of the petitioner that he is a contract carriage operator operating vehicle bearing Registration No.PY-

05/B-7799 issued by the State Transport Authority, Puducherry. The said vehicle is having a valid permit for the period from 07.11.2016 to 6.11.2021. On 11.08.2017, when the vehicle was on a tour, the 1st respondent checked the vehicle and seized the same for the alleged violation of permit conditions such as certain passengers were dropped at Villupuram while it was returning to Puducherry. After seizure, the Motor Vehicles Inspector Grade-I, Villupuram left the custody of the vehicle with the 2nd respondent. Thereafter, on 16.08.2017, the petitioner 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 01.09.2017, the petitioner gave a representation to the 1st 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 to return the petitioner's vehicle bearing Registration No.PY-05/B-7799 to the petitioner, after verification of all the relevant documents produced by the petitioner and also on payment of applicable tax 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.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Rj

To

1 The Regional Transport Officer
Villupuram

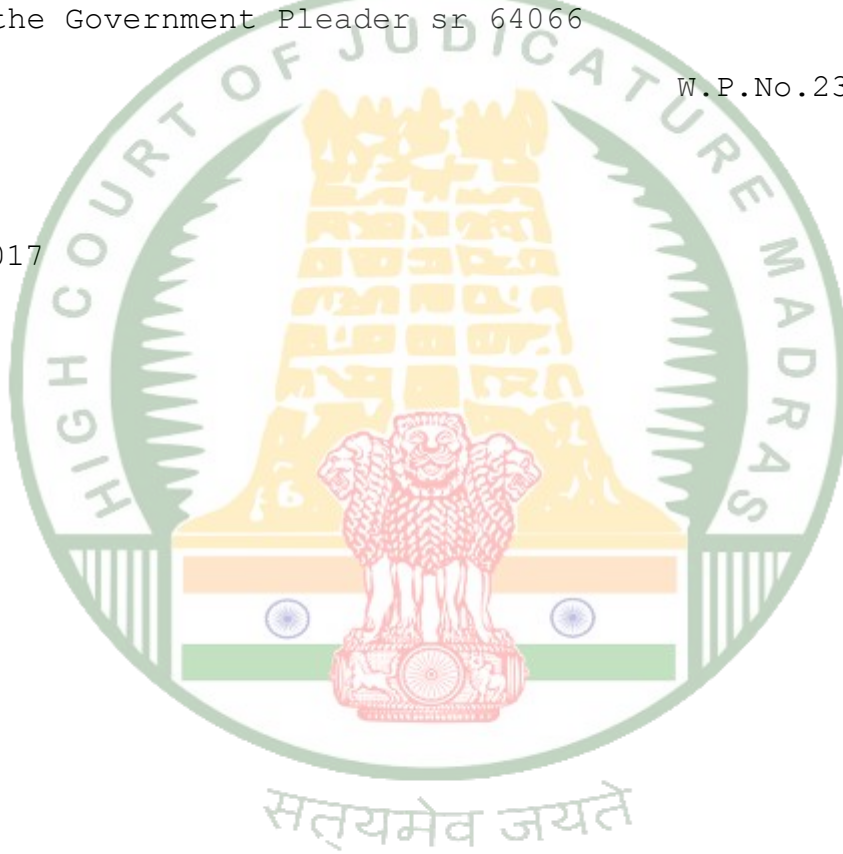
2 The Inspector of Police
Vikravandi Police Station
Villupuram District

+1 cc to M/s.S.Radthagopalan Advocate sr 63909

+1 cc to the Government Pleader sr 64066

W.P.No.23893 of 2017

arv
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