

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.24497 of 2017

R.Muthaiyan

..Petitioner

v.

1.The Secretary,
Regional Transport Authority/
Regional Transport Officer
Ulundurpet.

2.The Inspector of Police,
Traffic Investigation,
R4, Pondy Bazaar Police Station,
Chennai-600 017.

3.The Regional Transport Officer,
Chennai (Central),
Chennai-23.

(R-3 impleaded as per order
of this court dated 18.09.2017
made in WMP No.26179/2017 in W.P.
No.24497/2017)

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents herein to forthwith Release the petitioner's Goods Carriage Vehicle (Water Tanker) bearing Registration No.TN-15/U-8308 which was impounded by the 2nd respondent and kept in his custody on such terms and conditions.

For Petitioner : Mr.S.Radha Gopalan

For Respondent : Mr.S.Diwakar, Spl GP

O R D E R

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 to direct the respondents to forthwith release his Goods Carriage Vehicle (Water Tanker) bearing Registration No.TN-15/U-8308, which was impounded by the 2nd respondent and kept in his custody, on such terms and conditions.

3. It is the case of the petitioner that he is having Goods Carriage Vehicle (Water Tanker) permit granted by the Regional Transport Authority, Villupuram, in respect of Registration No.TN-15/U-8308 and has been operating the said vehicle. On 26.08.2017, when the vehicle was taking its trip, at about 7.15 AM., an accident had occurred. On a complaint being received, the 2nd respondent, registered a complaint in FIR No.235 dated 26.08.2017 against the driver of the vehicle and copy of the FIR was sent to the Motor Vehicles Inspector, Gr I, RTO Chennai (Central), to inspect the vehicle and submit a report. The Motor Vehicles Inspector inspected the vehicle and gave a report dated 30.08.2017. 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 seized by the 2nd respondent and left it in custody of the 2nd respondent. On 06.09.2017, the petitioner gave a representation to the first respondent along with the original records of the vehicle and requested for the release of the vehicle, put, the vehicle was not released till this date.

4. 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, against the provisions of the Act.

5. In these circumstances, I direct the respondents to return the petitioner's Goods Carriage Vehicle (Water Tanker) bearing Registration No.TN-15/U-8308 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.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sk

To

1.The Secretary,
Regional Transport Authority/
Regional Transport Officer
Ulundurpet.

2.The Inspector of Police,
Traffic Investigation,
R4, Pondy Bazaar Police Station,
Chennai-600 017.

3.The Regional Transport Officer
Chennai (Central)
Chennai-23

+1 cc to M/s.S.RadhaGopalan Advocate sr 68058

W.P.No.24497 of 2017

gr(co)
aa20/09/2017

सत्यमेव जयते
WEB COPY