

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.24660 of 2017
and W.M.P.No.26020 of 2017

K.R.Sureshkumar

[Petitioner]

Vs

1 The Transport Commissioner
Ezhilagam Chepauk Chennai-05

2 The Regional Transport Officer
Villupuram

3 The Motor Vehicles Inspector
Grade I Villupuram

[Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to release the omnibus bearing Registration No.AR 01 J 6494 with reference to the Check report No.A0157293 dated 12.08.2017 of the 3rd respondent which is presently impounded and kept in the office compound of the 2nd respondent.

For Petitioner : Mr.S.Govindaraman

For Respondents : Mr.P.V.Selvakumar, AGP

सत्यमेव जयते
O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader, takes notice for the respondents.

2. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

3. The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents to release the omnibus bearing Registration No.AR 01 J 6494 with reference to the Check Report No.A0157293 dated 12.08.2017 of the 3rd respondent, which is presently impounded and kept in the office compound of the 2nd respondent.

4. It is the case of the petitioner that he holds a Contract Carriage Omni bus permit in respect of the Vehicle No.AR 01 J 6494 and the same is covered by authorization to ply in other States including Tamil Nadu. On 12.08.2017, when the vehicle was on a tour, the 3rd respondent checked the vehicle and prepared a report alleging that payment of tax details are not available and original records are not available for inspection and subsequently, the vehicle was detained within the office of the 2nd respondent. When the petitioner approached the 2nd respondent, he was informed that unless they receive instructions from the 1st respondent, the vehicle cannot be released. As per Section 207(2) of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act"), once the request to release the vehicle is made, 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 detained.

5. Mr.P.V.Selvakumar, learned Additional Government Pleader, appearing for the respondents has no objection for release of the vehicle.

6. 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.

7. In these circumstances, I direct the respondents to return the petitioner's vehicle bearing Registration No.AR 01 J 6494 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. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1 The Transport Commissioner
Ezhilagam Chepauk Chennai-05

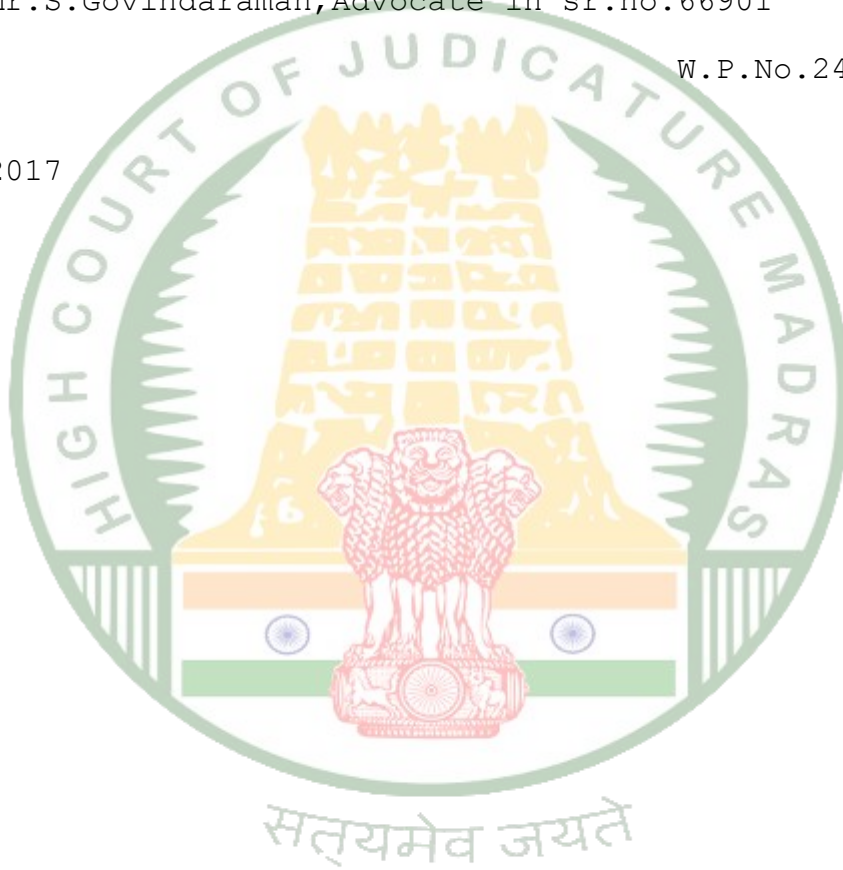
2 The Regional Transport Officer
Villupuram

3 The Motor Vehicles Inspector
Grade I Villupuram

+1cc to Mr.S.Govindaraman, Advocate in sr.no.66901

W.P.No.24660 of 2017

SCD(CO)
NR 15/09/2017



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