

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.25391 of 2017

J.Lalithamani

... Petitioner

Vs

1.The Secretary,
Regional Transport Authority,
Tirupur North.

2.The Motor Vehicle Inspector Grade-I,
Tirupur North.

3.The Inspector of Police
Tirupur Central Police Station.

... 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 minibus bearing Registration No. TN-39/AF-6358, which was impounded and kept with the custody of the 3rd respondent herein on such terms and conditions.

For Petitioner : Ms.G.P.Bhargavi

For Respondents : Mr.P.V.Selvakumar,
Additional Government Pleader

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 forthwith release her minibus bearing Registration No. TN-39/AF-6358, which was impounded and kept with the custody of the 3rd respondent, on such terms and conditions.

4. It is the case of the petitioner that she is having mini bus permit granted by the Regional Transport Authority, Tirupur, to ply on the route "Velliangadu to 15 Velampalayam"

in respect of Vehicle No.TN-39/AF-6358 and has been operating the said vehicle. On 20.08.2017, when the vehicle was taking its trip at about 02.00 p.m., an accident had occurred near Four Road Cross. On a complaint being received, the 3rd respondent, registered a complaint in FIR No.534/2017 dated 20.08.2017 against the driver of the vehicle and requested the 2nd respondent to inspect the vehicle and submit a report. The 2nd respondent inspected the vehicle and gave a report dated 29.08.2017. 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 and left it in the custody of the 3rd respondent. A show cause notice was issued on 29.08.2017, for which the petitioner had sent a reply on 02.09.2017, stating that the petitioner would produce the original records of the vehicle and requested for the release of the vehicle, but, the vehicle was not released till this date.

5. Since the 2nd respondent 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.

6. In these circumstances, I direct the respondents to return the petitioner's minibus bearing Registration No.TN-39/AF-6358 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.

7. With the above observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

va

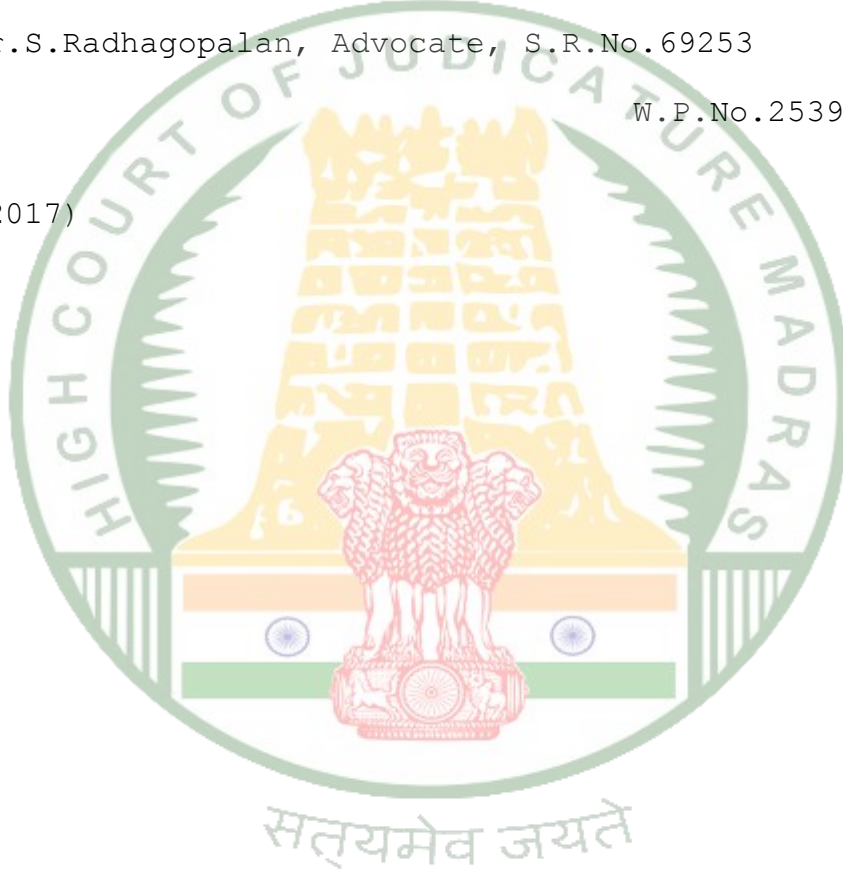
To

1. The Secretary,
Regional Transport Authority,
Tirupur North.
2. The Motor Vehicle Inspector Grade-I,
Tirupur North.
3. The Inspector of Police
Tirupur Central Police Station.

+1cc to Mr.S.Radthagopalan, Advocate, S.R.No.69253

W.P.No.25391 of 2017

CS IV
CA(22/09/2017)



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