

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.26034 of 2017
and W.M.P.No.27635 of 2017

K.Palanisamy

.. Petitioner

Vs.

1. The Motor Vehicles Inspector,
Grade-I, Regional Transport Office,
Tirupur North.

2. The Regional Transport Officer,
Tirupur North.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent herein to release the petitioner's Mini Bus TN.37/F-9393 (seized by the 1st respondent now in the custody of the 2nd respondent) forthwith

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.A.Kumar,
Special Government Pleader.

O R D E R

Mr.A.Kumar, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus directing the 2nd respondent to release the mini bus bearing registration No. TN.37/F-9393 seized by the 1st respondent, now in the custody of the 2nd respondent, on an allegation that the petitioner has violated the permit conditions.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. According to the petitioner he has not violated any of the conditions of the permit. This Court, at this stage, is not

inclined to go into such question, as admittedly, the petitioner was issued with a show cause notice dated 21.09.2017 and he has also filed a reply to the said notice . Therefore, it is for the competent authority, namely, the 2nd respondent to pass orders on the proceedings initiated against the petitioner in accordance with law. However, in the meantime, continuous detention of the mini bus seized as early as on 20.09.2017 will not serve any purpose as such continuous keeping of the said vehicle by exposing the same to sun and rain would only diminish its value. On the other, if it is directed to be released subject to certain terms and conditions, it would not prejudice any of the parties. Accordingly, this writ petition is disposed of with the following directions.

a) The petitioner shall produce all the relevant documents/ certificates before the 2nd respondent in proof of ownership immediately on receipt of a copy of this order.

b) On receipt of production of the documents/certificates, the 2nd respondent shall release the vehicle after getting an undertaking from the petitioner that he will not alienate the same and produce it before the 2nd respondent as and when required.

c) The respondents shall pass orders on the proceedings initiated against the petitioner in pursuant to the issuance of the show cause notice on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsi

To

1. The Motor Vehicles Inspector,
Grade-I, Regional Transport Office,
Tirupur North.

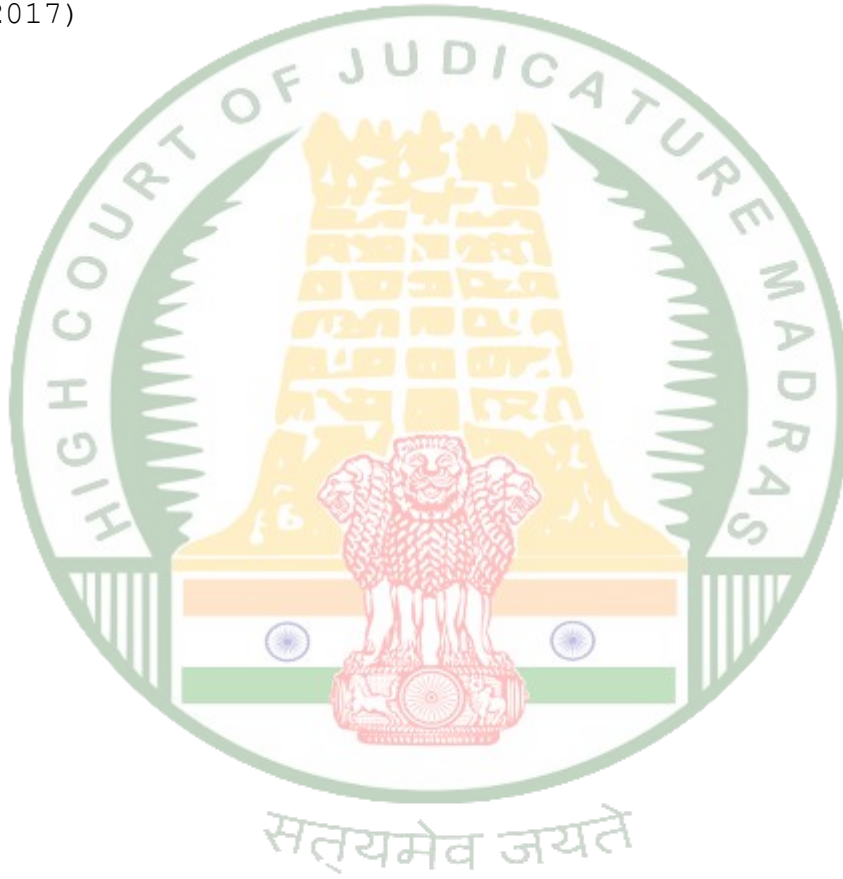
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2. The Regional Transport Officer,
Tirupur North.

+lcc to Mr.K.Hariharan, Advocate Sr. 71553

W.P.No.26034 of 2017

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