

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.10.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.26808 of 2017

J.Shabath Ali

... Petitioner

vs.

1. The Secretary
Regional Transport Authority /
Regional Transport Officer
Villupuram.
2. The Regional Transport Officer
Sriperumbudur.
3. Motor Vehicles Inspector Gr.I
Regional Transport Office, Sriperumbudur.
4. The Inspector of Police
Sriperumbudur Police Station
Sriperumbudur
Kancheepuram District.

..Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to forthwith release the petitioner's Goods Carriage Vehicle bearing Registration No.TCY-5211 which was impounded by the 3rd respondent and kept in the custody of the 4th respondent and all original documents submitted to the 1st respondent.

For Petitioner : Mr.S.Radha Gopalan

For Respondents: Mr.A.Kumar

Special Government Pleader

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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 direction to the respondents to forthwith release the petitioner's Goods Carriage Vehicle bearing Registration No.TCY-5211 which was impounded by the

third respondent and kept in the custody of the fourth respondent and all original documents submitted to the first respondent.

3. Heard Mr.S.Radha Gopalan, learned counsel appearing for the petitioner and Mr.A.Kumar, learned Special Government Pleader appearing for the respondents.

4. It is seen that the subject matter vehicle was involved in an accident and consequently, the same was seized and kept in the custody of the concerned respondent followed by initiating a criminal proceedings, which is said to be pending in a Criminal Court, pursuant to the registration of FIR No.772 of 2017 dated 13.09.2017.

5. The learned Special Government Pleader appearing for the respondents submitted that the vehicle was seized and kept in the custody of the fourth respondent and a criminal case is pending against the petitioner before the concerned Criminal Court. Therefore, he submitted that the petitioner has to approach the Criminal Court and seek for appropriate direction instead of approaching this Court, by way of a writ petition under Article 226 of the Constitution of India.

6. Needles to say that if the subject matter vehicle is seized and the criminal case is pending before the competent Jurisdictional Criminal Court, it is only appropriate for the petitioner to approach the Criminal Court and file an application to seek for release of the vehicle. If any such application is filed and the same shall be considered by the concerned Court on its own merits and in accordance with law. Granting such liberty to the petitioner, this writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

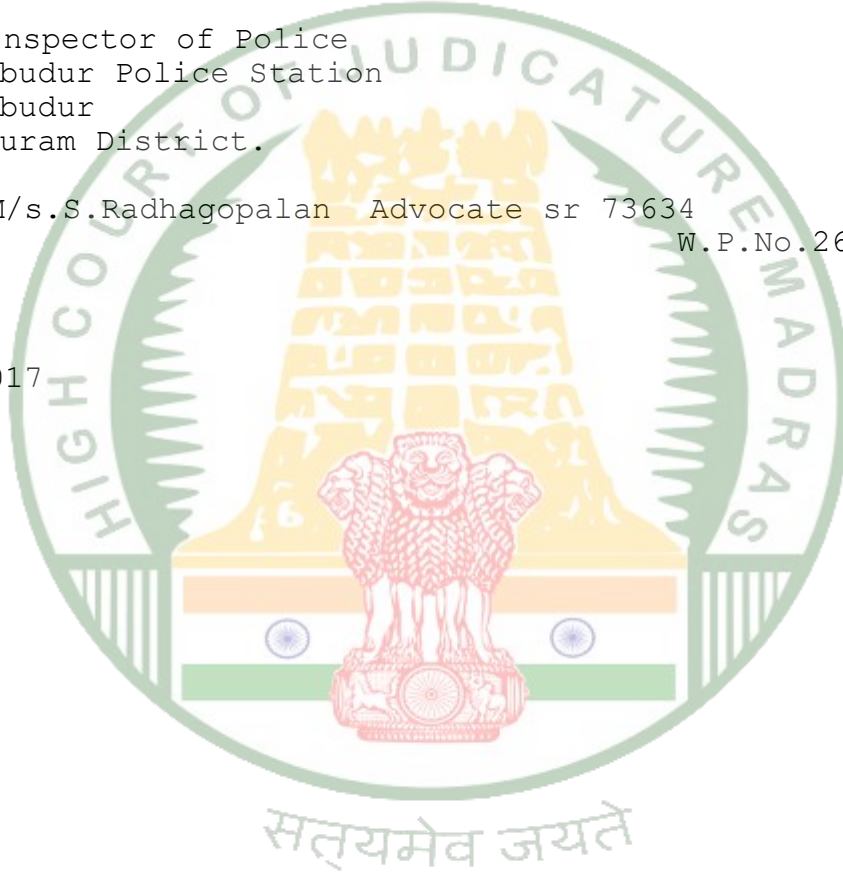
To

1. The Secretary
Regional Transport Authority /
Regional Transport Officer
Villupuram.
2. The Regional Transport Officer
Sriperumbudur.
3. Motor Vehicles Inspector Gr.I
Regional Transport Office, Sriperumbudur.
4. The Inspector of Police
Sriperumbudur Police Station
Sriperumbudur
Kancheepuram District.

+1 cc to M/s.S.Radhaagopalan Advocate sr 73634

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