

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

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THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.18190 of 2017
and W.M.P.No.19783 of 2017

SRM Transports India Pvt. Ltd [Petitioner]
Rep. by its Executive Director
P.Srinivasan
SRM Nagar Kattankulathur
Chengalpattu
Kancheepuram District

Vs

- 1 The Motor Vehicles Inspector
Grade I Unit Office Virudhachalam
- 2 The Regional Transport Officer
Chidambaram
- 3 The Inspector of Police
Veppur Police Station Cuddalore District
- 4 The State Transport Authority
Chepauk Chennai-5

[Respondents]

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 2nd and 3rd respondents herein to release the petitioner Omni Bus TN-19/ AD-3508 (seized by the 1st respondent now in the custody of the 3rd respondent) forthwith.

For Petitioner : Mr.K.Hariharan
For Respondents : Mr.R.Venkatesh, GA

O R D E R

Mr.R.Venkatesh, learned Government Advocate, 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 2nd and 3rd respondents to release their Omni Bus TN-19/ AD-3508, which was seized by the 1st respondent, now in the custody of the 3rd respondent.

4. It is the case of the petitioner that they holds a contact carriage Omni bus permit issued by the State Transport Authority, Chennai in respect of the Vehicle No.TN.19/AD-3508. On 29.06.2017, when the vehicle was on a tour, an accident had occurred in the jurisdiction of the 3rd respondent police station and the 3rd respondent registered a case in Crime No.278 of 2017 against the driver of the bus. The 3rd respondent directed the 1st respondent to inspect the accident vehicle to give a report. The 1st respondent, on 30.06.2017, inspected the vehicle and gave a report to the 3rd respondent. 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 1st respondent seized the vehicle and left it in the custody of the 3rd respondent. On 03.07.2017, the petitioner produced the original records before the 2nd respondent and requested for the release of the vehicle, but, the vehicle was not released till this date. Even on 06.07.2017, the petitioner gave a representation to the 4th respondent and requested to direct the 2nd respondent to release the vehicle. But, till date, the vehicle has not been released.

5. Since the 1st 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 3rd and 4th respondents to return the petitioner's vehicle bearing Registration No.TN-19/AD-3508 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. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

- 1 The Motor Vehicles Inspector
Grade I Unit Office Virudhachalam
- 2 The Regional Transport Officer
Chidambaram
- 3 The Inspector of Police
Veppur Police Station Cuddalore District
- 4 The State Transport Authority
Chepauk Chennai-5.

+1cc to Mr.K.Hariharan, Advocate Sr. 52096

W.P.No.18190 of 2017

RK(CO)
VR(25/07/2017)

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