

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.28379 of 2017

N.Ramasamy Gounder

... Petitioner

Vs.

1.The Motor Vehicle Inspector
Grade-I, Regional Transport Office
Mettur, Salem District.

2.The Regional Transport Officer
Salem-West, Salem.

... Respondents

Prayer:

Writ petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent herein to return the original Spare Bus Permit of the petitioner in respect of the vehicle number TN-30/AP-1040 (seized by the 1st respondent now in the custody of the 2nd respondent), forthwith.

For Petitioner : Mr.K.Hariharan

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

सत्यमेव जयते
O R D E R

Mr.P.V.Selvakumar, learned Additional 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 return the original Spare Bus Permit of the petitioner's bus bearing Registration No.TN-30 AP 1040.

3. The petitioner is holding a stage carriage route bus permit as well as spare bus permit issued by the 2nd respondent. It is stated that the petitioner's original spare bus permit was seized on 17.07.2017 in pursuant to an accident that had taken place on 14.07.2017 and followed by the registration of FIR. Now the petitioner seeks for return of the original spare bus permit, by contending that the

second respondent is not entitled to seize and retain the spare bus permit, simply because a criminal case is filed against the petitioner and the same is pending.

4. The learned counsel for the petitioner relied on the order dated 13.06.2017 passed in a similar matter in W.P.No.9890/2017 directing the respondents to return the R.C. Book subject to imposition of certain conditions.

5. Considering the above stated facts and circumstances and considering the fact that till this date no order has been passed against the petitioner so far, the writ petition is disposed of, with the following terms:

(a) The petitioner shall give an undertaking in writing before the 2nd respondent that he will not alienate or encumber the subject matter vehicle, pending final orders to be passed by the respondents.

(b) The petitioner shall also give an undertaking that he will produce the subject matter vehicle before the respondents as and when required.

(c) On furnishing such undertaking given by the petitioner within a period of seven days from the date of receipt of a copy of this order and on production of the xerox copies of the original documents, the respondents shall return the original spare bus permit pertaining to the subject matter bus, bearing Registration No.TN-30 AP 1040, to the petitioner within a period of seven days therefrom.

(d) This order will not preclude the respondents from initiating necessary action against the petitioner, if there is any violation of law, after giving sufficient opportunity of hearing to the petitioner.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Motor Vehicle Inspector
Grade-I, Regional Transport Office
Mettur, Salem District.

2.The Regional Transport Officer
Salem-West, Salem.

+1cc to Mr.K.Hariharan, Advocate, S.R.No.78631
+1cc to the Government Pleader, S.R.No.79354

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