

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.01.2017
CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.No.1956 of 2017
And
W.M.P.No.1942 of 2017

S.Rajagopala Gowda

... Petitioner

Vs.

- 1 The Motor Vehicles Inspector
Grade I, Hosur, Krishnagiri District.
- 2 The Regional Transport Officer
Hosur, Krishnagiri District.
- 3 The Inspector of Police
Berigai Police Station
Krishnagiri District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents herein to release the petitioner's Stage Carriage Bus No.KA-08-6876 (Seized by the 1st respondent now in the custody of the 3rd respondent) forthwith.

For Petitioner : Mr.A.Ganesan
For Respondents : Mr.R.Venkatesh
Government Advocate

O R D E R

1.Issue Notice. Mr.R.Venkatesh, learned Government Advocate, accepts notice on behalf of the respondents. With the consent of the learned counsels for parties, the writ petition is taken up for hearing and final disposal.

2.The only prayer that the petitioner seeks is, in the form of a direction qua, respondent nos.2 and 3, for release of his Stage Carriage Bus.

3.It is the stand of the petitioner before me, that he has been issued an interstate enclave route permit by STA Bangalore, in respect of the following route:

Tarahunase to Hosakote via, Masthi, Beraki etc.

4.It is further averred by the petitioner that the said permit has been issued vis-a-vis, vehicle bearing registration No.KA-08-6876. The petitioner further states that on 14.01.2017, when, the said vehicle was on a regular trip, it was taken into custody on account of purported violation of the conditions stipulated in the aforementioned permit. The petitioner says that the violations inter-alia, pertain to the driver failing to carry the original documents pertaining to the subject vehicle.

5.It is further averred that after the seizure of the vehicle had been carried out by the first respondent, the vehicle was placed in the custody of the third respondent.

5.1. The petitioner's stand, before me, is that, the relevant original documents were produced before the second respondent on 18.01.2017 and 19.01.2017.

6.The petitioner, presently, is aggrieved by the fact that despite production of documents, aforementioned vehicle has not been released to him.

6.1. It is submitted that the continued possession of the vehicle is causing a detriment not only to the interest of commuters at large, but also to the interest of the petitioner.

6.2. It is contended that while the respondents may continue to prosecute the petitioner for alleged violations, if any, the holding over of the vehicle will not sub-serve any interest.

7.In support of this submission, learned counsel for the petitioner relies, upon the order dated 01.12.2015, passed by a learned Single Judge of this Court in W.P.No.38165 of 2015.

8.Learned counsel for the petitioner says that the petitioner is willing to take custody of the vehicle, based on the same conditions, as were stipulated by this Court in its order dated 01.12.2015, passed in W.P.No.38165 of 2015.

9.Mr.R.Venkatesh, learned Government Advocate, who appears for the respondents says that he cannot, but argue that in the past, in such like circumstances, vehicles have been released on conditions stipulated in the order dated 01.12.2015, passed in W.P.No.38165 of 2015.

10.Accordingly, the writ petition is disposed of, with a direction, that upon the petitioner filing an affidavit of undertaking that he will produce the vehicle as and when required by the respondents and shall not alienate the same without their prior permission, the respondents, will release

the aforementioned vehicle to the petitioner. Needless to say that the respondents will verify, all documents produced by the petitioner prior to release. It is also made clear that the release of the vehicle, will not come in the way of the respondents prosecuting the petitioner, in accordance with law, qua, violations, if any, of the conditions obtaining in the permit.

11. Consequently, the connected pending application is closed. However, there shall be no order as to costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Motor Vehicles Inspector
Grade I, Hosur, Krishnagiri District.
- 2 The Regional Transport Officer
Hosur, Krishnagiri District.
- 3 The Inspector of Police
Berigai Police Station
Krishnagiri District.

+1 cc to Mr.A.Ganesan Advocate sr 5083

+1 cc to Government Pleader sr 5273

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