



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE **T.RAJA**

WP(MD)No.12305 of 2017

N.Seviyar

... Petitioner

vs.

The Regional Transport Officer,
Regional Transport Office,
Marthandam,
Kanyakumari District.

... Respondent

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's Maxi Cab vehicle bearing Registration No.TN-21-L-3060 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.R.Sreenivasan
For Respondent : Mr.K.Guru
Additional Government Pleader

ORDER

The petitioner has come to this Court seeking issuance of a Writ of Mandamus, directing the respondent to release his Maxi Cab vehicle bearing Registration No.TN-21-L-3060 within the time to be fixed by this Court.

2.The petitioner is the owner of Maxi Cab vehicle bearing Registration No.TN-21-L-3060 employing a driver. He has used his vehicle for tour and marriage functions. He has been plying the said vehicle without any deviation for the last three years. On 20.06.2017, when his vehicle was crossing at Kaluvanthittai, Kaliyakkavilai Police intercepted and conducted checking of the vehicle. During inspection, the Police found one adult and two children were overloaded, therefore, the Police had seized the petitioner's vehicle and handed over the same to the respondent. In spite of repeated request to the respondent to release the vehicle on payment of necessary fine/penalty, the said request was refused, hence, the petitioner after sending representation on 21.06.2017 and finding no response, has come to this Court seeking the aforementioned prayer.



3.The learned counsel for the petitioner would submit that from the date of seizure of the vehicle on 20.06.2017, the petitioner who is eking out his livelihood by using the said vehicle has been put to grave problem as he is not able to earn any revenue.

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4.It is at this point of time, the counsel for the respondent would submit that the petitioner has come to this Court without even approaching the respondent. Even the representation dated 21.06.2017 said to have been given to the respondent is not supported with any endorsement. I also find merits on the said submission.

5.In reply, the learned counsel appearing for the petitioner would submit that the said representation dated 21.06.2017 was submitted to the respondent in person.

6.Be that as it may, considering the fact that keeping the vehicle in the custody of the respondent would benefit none and the vehicle would lose its value, if the same is kept in sun and rain, this Court directs the petitioner to make a fresh representation requesting the respondent to release his vehicle along with requisite documents and necessary fee. On receipt of such representation, it is for the respondent to consider the same and pass appropriate order on merits and in accordance with law forthwith.

With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

The Regional Transport Officer,
Regional Transport Office,
Marthandam,
Kanyakumari District.

+1cc to M/S.M.R.Sreenivasan, Advocate SR.No. 65343
+1cc to Special Government Pleader, SR.No. 65613

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