



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.08.2017
CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P.(MD)No.14997 of 2017
and
W.M.P.(MD) No.11840 of 2017

C.Mahendran

... Petitioner

Vs.

1.The Regional Transport Officer,
Thanjavur, Thanjavur District.

2.The Motor Vehicles Inspector,
Pattukottai, Thanjavur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to release the Omni Bus bearing Registration Number PY 02 N8322.

For Petitioner

: Mr.Arul Vadivel @ Sekar
for Mr.K.N.Govardhanan

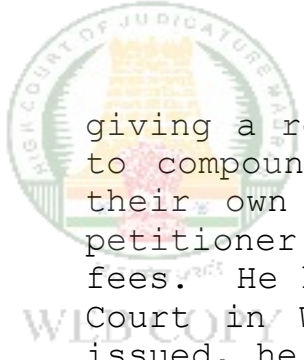
For Respondents

: D.Muruganatham
Additional Government Pleader

ORDER

Mr.Elamaran is the authorised power agent of his Principal Mr.Mahendran. Since the petitioner is the owner of Omni Bus bearing Registration No.Py 02-N-8322, which was registered on 11.08.2014, for which, Certificate of registration was also issued by the Assistant Registering Authority, Karaikal. The Assistant Secretary II, Puducherry has also issued a contract carriage permit in P.CO.C.No.CCHMVOB/PY/2014/142 and the validity of the permit continues till 11th August 2019. While so, when the said Omni Bus was plied in accordance with the permit conditions, it is stated that the 2nd respondent stopped the vehicle in a Sethubavachathiram and detained the same on 28.05.2017 stating certain irregularities.

2.The learned counsel for the petitioner submitted that the impugned proceedings, with which, the petitioner's Omni Bus was detained on the road exposing the newly purchased vehicle to sun and rain, specifically shows that the petitioner is entitled to take back the vehicle on payment of compounding fees. In spite of



giving a representation specifying that the petitioner is prepared to compound the offences, till date, they did not act either on their own impugned proceedings or on the promise given by the petitioner in the representation for payment of compounding the fees. He has also placed on record a similar order passed by this Court in W.P.(MD) No.1898/2016. Therefore, a direction may be issued, he pleaded.

3.The learned Additional Government Pleader would submit that the petitioner has obtained a valid permit in Puducherry and his vehicle was found outside Puducherry. Therefore, the petitioner's vehicle was stopped and detained. However, the petitioner comes forward to pay the compound fee to the first respondent, and hence, a direction may be issued to the first respondent to consider the petitioner's representation.

4.A perusal of the impugned order consistently shows that the petitioner is prepared to compound the offence by making the compounding fees, as a pre condition of release of the petitioner's vehicle. Moreover, Section 207(2) of the Motor Vehicles Act also directs the first respondent to consider the representation, if any made by the owner of the vehicle. In view of the above, the first respondent is directed to consider the representation of the petitioner within one week from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Regional Transport Officer,
Thanjavur, Thanjavur District.

2.The Motor Vehicles Inspector,
Pattukottai, Thanjavur District.

+1CC TO M/S. Mr.K.N.GOVARDHANAN, ADVOCATE, SR NO.71767

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