



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.3530 of 2017

G.Subburaj

... Petitioner

vs.

1)The Regional Transport Authority,
Tirunelveli District,
Tirunelveli.

2)The Secretary to Regional Transport Authority,
Sankarankovil,
Tirunelveli District,
Tirunelveli.

3)The Motor Vehicle Inspector,
Grade-I, Unit Office,
Kovilpatti,
Thoothukudi.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to release the petitioner's Mini Stage Carriage Bus bearing Registration No.TN 59 Q 5359 impounded and kept in 3rd respondent office on such terms and conditions.

For Petitioner : Mr.T.Padmanabhan

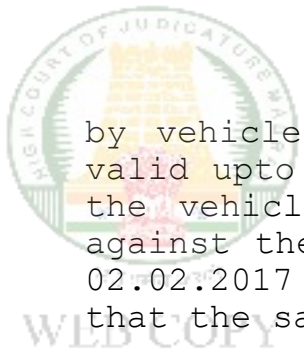
For Respondents : Mr.S.Sathish Kumar
Additional Government Pleader

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents herein to release the petitioner's Mini Stage Carriage Bus bearing Registration No.TN 59 Q 5359 seized and kept in 3rd respondent office on terms and conditions.

2.Mr.S.Sathish Kumar, learned Additional Government Pleader takes notice for the respondents. With consent of the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

3.The petitioner is a Mini Stage Carriage Operator having stage carriage permit to ply on (i)Kovilpatti Erattaivinayagar Kovil - G.V.N College Gate, (ii)Kovilpatti Erattaivinayagar Kovil - Ayyaneri (ST), (iii)Kovilpatti Erattaivinayagar Kovil - Old Appaneri covered



by vehicle bearing registration No.TN 59 Q5359 and the permit is valid upto 06.05.2021. On 31.01.2017, the 3rd respondent has seized the vehicle of the petitioner, on the ground that it was plying against the permitted route. The petitioner gave explanation dated 02.02.2017 to the respondents, seeking to release the vehicle and that the same was not considered. Hence, this writ petition.

4.The learned counsel for the petitioner would submit that in case of any violation of the permit conditions by the owner of the vehicle, it is always open for the respondents to take action in accordance with law, but, it is not for them to seize the vehicle. That apart, according to him, after seizure, though the petitioner has made a representation for release of the vehicle along with relevant documents, till-date, the request of the petitioner has not been considered.

5.On the other hand, learned Additional Government Pleader appearing for the respondents would submit, that once a vehicle is seized or detained by the authority, the owner of the vehicle has to submit an application under Section 207(2) of the Motor Vehicles Act before the authority concerned, and the said authority, after verification of all necessary documents, will order for release of the said vehicle.

6.At this juncture, learned counsel for the petitioner would submit, that the petitioner would file an application for release of the vehicle under Section 207(2) of the Motor Vehicles Act before the authority concerned and apart from that, the petitioner is also willing to file an affidavit of undertaking to the effect that he will not alienate the said vehicle and will also produce the same as and when required by the respondents.

7.It is a well settled proposition of law, that for violation of the permit conditions, the authorities concerned are entitled to take action as per the rules and regulations, for cancellation of permit. It is also seen from Section 207 of the Motor Vehicles Act, that on production of relevant documents by the owner of the seized vehicle, it is the duty of the authority concerned, to consider the release of the seized vehicle.

8.Under the circumstances, the respondents are directed to release the vehicle of the petitioner, bearing registration No.TN 59 Q 5359, forthwith, on filing of an affidavit of undertaking by the petitioner to the effect that he will produce the vehicle as and when required by the respondents, and will not alienate the same, without prior permission from the respondents; however, after verification of all the relevant documents produced by the petitioner. As far as violation of permit is concerned, it is open to the respondents to proceed against the petitioner in accordance with law.



The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

To

1)The Regional Transport Authority,
Tirunelveli District, Tirunelveli.

2)The Secretary to Regional Transport Authority,
Sankarankovil, Tirunelveli District, Tirunelveli.

3)The Motor Vehicle Inspector,
Grade-I, Unit Office, Kovilpatti, Thoothukudi.

+1 cc to Mr.T.PADMANABHAN, Advocate, Sr.No.11476

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