

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38002 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed declaring the action of the respondents in seizing and detaining the petitioners' vehicles' pursuant to the check reports, dated 18.10.2017 to 28.10.2017 issued by respondents 4 to 7 including the action of respondents 4 to 6 in suspending the fitness certificates of the petitioners' vehicles, as arbitrary and illegal.

2. I have heard the submissions of Sri *E.Maruthi Raja*, learned counsel appearing for the petitioners and learned Government Pleader for Transport appearing for the respondents.

3. At the hearing, learned counsel for the petitioners would submit that while stopping and detaining the vehicles for the violations pointed out in the vehicle check report of each vehicle, the authority concerned served a copy of the check report and the Form CFX in respect of each vehicle, while simultaneously suspending the fitness certificates of the vehicles, without even issuing a prior notice and that therefore, the respondents may be directed to release the vehicles of the petitioners on production of driving licences of the Drivers and licences of the conductors and other necessary vehicular documents, but without insisting upon the compliance of CFX Form.

4. However, learned Government Pleader while placing reliance on a decision of this Court, dated 07.11.2017, in W.P.No.37195 of 2017 submitted that in view of identity of facts, this writ petition may also be disposed of in terms of the said order.

5. I have given earnest consideration to the facts and submissions. Considering the omissions and defects pointed out in the check reports and the fact that the fitness certificates of vehicles are not cancelled, but are only suspended, this Court finds that this Writ Petition can be disposed of with appropriate directions.

6. In the result, the Writ Petition is disposed of with the following direction:

The petitioners shall make applications along with necessary documents before the 3rd respondent for release of their subject vehicles within one (01) week from the date of receipt of a copy of this order; and, on such applications being made by the petitioners, the 3rd respondent shall consider and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of three (03) days from the dates of the applications made by the petitioners. It is made clear that in the representations, the petitioners may also seek revocation of the suspension of the fitness certificates of the vehicles by giving valid reasons and the said aspect of the matter may also be considered by the 3rd respondent in an appropriate manner, in accordance with law, and the procedure established by law, while considering and disposing of the representations of the petitioners.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M.SEETHARAMA MURTI, J

NOVEMBER 14, 2017

Note:

Issue C.C.tomorrow.

(B/o)

YVL

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Date: 14.11.2017