

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.6.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12029 of 2018 and W.M.P.No.14032 of 2018

The Divisional Controller
KSRTC Ramanagara Division,
Ramanagara Bus Stand, 1st Floor,
B.M.Road Ramanagara District- 562 159,
Karnataka State. PETITIONER

Vs

- 1 The Regional Transport Officer
Regional Transport Office Near HP Petrol
Bunk Mathagiri Kootroad Hosur- 635110
Krishnagiri District.
- 2 The Inspector of Police
TIW Hosur Police Station, Hosur
Krishnagiri District. RESPONDENTS

Prayer: Writ 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 Vehicle belonging to the Petitioner Corporation bearing Registration No.KA- 40-F- 0342 seized by the 1st respondent and kept in the 2nd respondent Police Station in terms of the representations sent by the Petitioner Corporation to the official respondent on 30.04.2018 and 02.05.2018 respectively and on terms and conditions as this court.

For Petitioner : Mr.T.Thiyagarajan
For Respondents : Mr.D.Suryanarayanan, A.G.P.

O R D E R

The Divisional Controller, KSRTC Ramanagara Division, Ramanagara Bus Stand, B.M.Road Ramanagara District, Karnataka State has come to this Court seeking mandamus, directing the respondents herein to release Vehicle belonging to the Petitioner Corporation bearing Registration No.KA- 40-F- 0342 seized by the 1st respondent and kept in the 2nd respondent

Police Station in terms of the representations sent by the Petitioner Corporation to the official respondent on 30.04.2018 and 02.05.2018 respectively and on terms and conditions that may be issued by this Court.

2. The learned counsel for the petitioner submits that the bus bearing No.KA-40-F-0342 belonging to the petitioner Corporation had been operated on the basis of spare permit obtained under Section 72(1) sub clause (xvii) of Act from STA Bengaluru. The spare permit for reserve vehicle was obtained for the route to ply from Bengaluru to Hosur (RMC Yard). On 17.4.2018 when the bus was plying from Bengaluru via Madivala towards Hosur, the said vehicle met with an accident since an Eicher vehicle bearing registration No.TN-38-AH-1056 coming on the same direction, dashed the rear right hand side portion of the bus resulting in one person sustained injuries. Consequently, a criminal case also lodged against the Eicher vehicle by the second respondent police in F.I.R.No.105 of 2018 for the offences under section 279 and 338 of I.P.C. Petitioner's vehicle was taken for IMV inspection on 18.4.2018. At the time of verification, the xerox copies of the document pertaining to our Corporation referred to the above were furnished. Having not satisfied with the documents, the Motor Vehicle Inspector insisted for production of original documents. Petitioner's Corporation found that the original certificate of registration and the permit were already handed over to the first respondent in respect of the accident taken place earlier. The authority being not satisfied with the explanation and not verifying the records under their custody had detained the vehicle followed by check report dated 26.4.2018. Finally, the petitioner Corporation was directed to produce the original documents which were retained by them in an earlier accident the petitioner vehicle was involved. In view of the fact that R.C. book and permit of the vehicle were already seized and sent to the State Transport authority, Chennai, the petitioner was unable to produce the same. Therefore, detaining the vehicle by the respondents 1 and 2 for not producing the R.C. book, permit, vehicle licence and trip sheet is wholly untenable and unjustified. The documents viz., R.C. book and permit were already seized by the first respondent and this has been admitted by the respondent in letter in R.No.23222/A4/2018, dated 7.6.2018. The detention of the vehicle is wholly untenable. Hence, direction may be issued to the respondents to release the vehicle failing which public would be put to grave problem.

3. The learned Additional Govt. Pleader appearing for the respondents also admitted the submission made by the learned counsel for the petitioner that when the same vehicle was met with an accident on earlier occasion, the vehicle was brought to Motor Vehicle Inspection on 2.11.2016 by the Hosur Sipcot

police. After inspecting the vehicle the records of the vehicle were seized. However, the vehicle was released on the same day. Subsequently, the seized records were sent to the Regional Transport Authority, Chennai vide registered post No.ART 543194320IN, dated 15.12.2016 for further action. The petitioner Corporation never tried to release the records seized by the respondent when the accident occurred earlier, till the Motor Vehicle Inspector raised the question for the records during subsequent accident.

4. It is admitted case of both side that the very same vehicle bearing registration No.KA- 40-F- 0342 met with an accident on 2.11.2016 with one Eicher vehicle bearing registration No.TN-38-AH-1056 and F.I.R. has been registered in Cr.No.105 of 2018 for the offences under section 279 and 338 of I.P.C. Subsequent to the accident, R.C. book and permit of the said vehicle were produced and sent to the State Transport Authority, Chennai vide registered post No.ART 543194320IN, dated 15.12.2016.

5. In view of the above, the respondents are directed to release the vehicle bearing registration No.KA-40-F-0342 seized by the second respondent police on production of copy of this order. The original documents seized and sent to the State Transport Authority, Chennai shall also be returned to the petitioner on reasonable condition. It is needless to mention that the first respondent shall issue proper notice to the petitioner calling for explanation and on receipt of the same, it is for the first respondent to consider and pass appropriate orders. If the petitioner is aggrieved by any of the order passed by the first respondent, it is open to the petitioner to challenge the same in the manner known to law.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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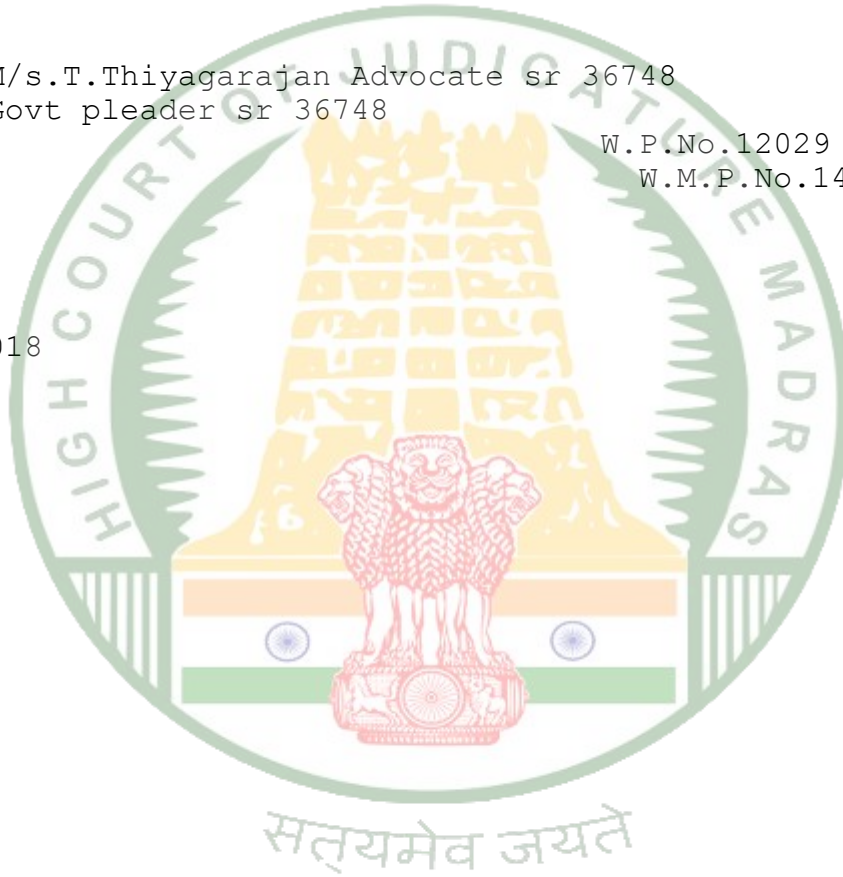
To

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+1 cc to M/s.T.Thiyagarajan Advocate sr 36748
+1 cc to Govt pleader sr 36748

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aa12/06/2018



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