

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16084 of 2008

and

M.P.No.2 of 2008

V.Baskar

... Petitioner

Vs.

State of Tamil Nadu, rep. by its
The Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned police notice bearing no.2387309 dated 07.04.2008 issued by the respondent and quash the same and consequently, direct the respondent to return the Originals of the following documents:- Registration Certificate, Insurance Certificate, National Permits relating to the petitioner's lorry bearing registration no.TN-23-AD-9927 to the petitioner.

For Petitioner : Mr.K.Premkumar

For Respondent : Mrs.Thangavadhana Balakrishnan
Additional Government Pleader

सत्यमेव जयते

O R D E R

This Writ Petition has been filed, to call for the entire records relating to the impugned police notice bearing no.2387309 dated 07.04.2008 issued by the respondent and to quash the same, and consequently, to direct the respondent to return the Originals of Registration Certificate, Insurance Certificate, National Permits relating to the petitioner's lorry bearing registration no.TN-23-AD-9927, to the petitioner.

2. The petitioner would contend that he is the owner of the lorry bearing Registration No.TN-23-AD-9927 which was used as a common public carrier and he has handed over the same to his driver and the driver used to report him once in a week or 10 days once about the trips made in the said lorry. While so, on 06.04.2008, the petitioner's driver was engaged by a building contractor of chennai, to transport one load of bricks from Hosur, Dharmapuri District to be transported to Chennai and the driver also agreed for the same and transported the goods along with the valid records. After loading the bricks at Hosur, when the lorry was on its way, the Sub-Inspector of Police of the respondent Police Station had intercepted the lorry on the allegation that the lorry is found to be transporting excess load of goods than the permitted one and had seized the same along with the goods, even after production of the permit, bill and other records. Thereafter, the respondent police has directed the driver to inform the petitioner to produce all the originals of the vehicle and has issued a notice dated 07.04.2008 to that effect to the driver of the petitioner.

3. The petitioner would further contend that on coming to know about the said incident from his driver, he has produced all the originals of the Registration Certificate, Insurance Certificate and Permit before the respondent police and the vehicle was also released on the same day evening itself, but, the respondent police has directed the petitioner to come after a week for verification of the documents. Thereafter, the petitioner had visited the respondent police station on several occasions and had requested them to return the originals of the said vehicle, but, there was no response from the respondent. In fact, on 18.05.2008, the petitioner had sent a registered letter to the respondent and the same was also acknowledged, but, there was no response from the respondent, hence, the petitioner, with no other alternative, has filed this Writ Petition, directing the respondent to return all the original documents of the petitioner.

4. A counter has been filed by the respondent police, wherein, it has been stated that if any transportation is made with excess load of goods than the permitted one, the respondent is empowered to initiate legal proceedings under Section 194 read with 113 of Motor Vehicle Act, 1988. In the above case, the petitioner's lorry was found with excess load of goods while transporting the same on 07.04.2008, hence, the Sub-Inspector of Police of the respondent police station has intercepted the vehicle and has laid the charge sheet against the driver of the petitioner under Section 194 read with 113 of Motor Vehicle Act, before the Chief Judicial Magistrate's Court, Chengalpattu. The same was pending at the time of filing the counter on 18.07.2008.

5. It has been further stated in the respondent counter that the original documents of the said lorry were already handed over to the petitioner on 07.04.2008 itself, while he has taken the lorry from the respondent police station and only to escape from the legal punishment for the offence committed by the driver, the petitioner has made such false allegations before this Court.

6. Based on the counter filed by the respondent police that they have returned the said documents to the petitioner on 07.04.2018 itself, this Court, directs the petitioner to apply for duplicate copy of the originals based on the order passed by this Court and the RTO officials are directed to verify the same and issue duplicate copy to the petitioner, if everything is in order, within a period of 4 weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

raja

To

The Inspector of Police, सत्यमेव जयते
Siva Kanchi Police Station,
Kancheepuram District.

+1cc to the Government Pleader Sr.45713

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srg 02/01/2019