

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.26728 of 2018

Chinnapayan

... Petitioner

Versus

1.The Regional Transport Officer
Coimbatore North
Coimbatore District

2.The Motor Vehicle Inspector Grade-1
Office of the Regional Transport Officer
Coimbatore North
Coimbatore District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Mandamus, directing the Respondents herein to release the Vehicle forthwith, the Petitioner's Contract Carriage Permit in respect of the Vehicle-TN 24 E 9999, which was impounded by the 2nd Respondent on 28.09.2018 and kept at the 1st respondent office, Coimbatore.

For Petitioners : Mr.R.Srinivasalu

For Respondents : Mrs.K. Bhuvaneswari,
Additional Government Pleader

O R D E R

The Writ Petition is filed for issuing a Writ of Mandamus, directing the Respondents herein to release the Vehicle forthwith, the Petitioner's Contract Carriage Permit in respect of the Vehicle-TN 24 E 9999, which was impounded by the 2nd Respondent on 28.09.2018 and kept at the 1st respondent office, Coimbatore.

2. Heard Mr.R.Srinivasalu, the learned Counsel for the petitioner and Mrs.K.Bhuvaneswari, the learned Additional Government Pleader appearing for the respondents.

3. Considering the facts and circumstance of the case, this Court is inclined to pass the following order:

(i) The respondents are directed to release the

vehicle forthwith upon the petitioner pays a sum of Rs.40,000/- (Rupees Forty Thousand Only) in the form of Demand Draft payable in favour of the Regional Transport Officer, Coimbatore North;

(ii) The petitioner shall produce the documents to prove the ownership of the vehicle concerned;

(iii) It is open to the first respondent to pass the final orders as to the penalty or fine payable by the petitioner in respect of violation for which the vehicle has now been detained by him;

(iv) If the amount to be determined by the first respondent is less than Rs. 40,000/-, the petitioner is entitled for refund of the balance amount; and

(v) If the amount to be determined by the first respondent exceeds Rs.40000/-, it is open to the respondents to recover the same by following the procedure.

4. With the above directions, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS iv)

//True Copy//

Sub Assistant Registrar

jrs/tsi
To

1.The Regional Transport Officer
Coimbatore North
Coimbatore District

2.The Motor Vehicle Inspector Grade-1
Office of the Regional Transport Officer
Coimbatore North
Coimbatore District

+1cc to Mr.Mr.R.Srinivasalu , Advocate SR.No. 71508

+1 CC TO GOVERNMENT PLEADER SR.NO. 71238

W.P.No.26728 of 2018

ASK(15/10/2018)