



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2574 of 2018

and

W.M.P. (MD) .Nos.2771 & 2772 of 2018

Palpandi

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Through the District Collector/
The Regional Transport Authority,
Collectorate, Madurai.
2. The Commissioner of Police,
Office of the Police Commissioner,
Madurai.
3. The Inspector of Police,
Traffic TPKM Police Station,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent, spot fine challan for Rs.2500/- in "Madurai City" challan No.M0017030517 dated 24.11.2017 and quash the same and direct the respondents 2 & 3 to release the petitioner's vehicle TN59BL 6939 forthwith and pay to the petitioner a damages of Rs.1500/- per day from 24.11.2017 till the vehicle is returned to the petitioner.

For Petitioner : Mr.T.S.R.Venkataramana

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, the main Writ Petition is taken up for final disposal.

3.The petitioner is an Omni Bus Operator. The petitioner's bus was impounded by the third respondent on 24.11.2017. The third respondent also issued a chellan levying a fine amount of Rs.2,500/- on the petitioner. Since the petitioner refused to pay the said fine amount, his bus was not released by the third



respondent. Questioning the levying of the said fine amount, this Writ Petition has been filed.

4. During the pendency of the Writ Petition, this Court ordered the release of the vehicle. The third respondent has since released the vehicle. Therefore, the consequential prayer made in the Writ Petition no longer survives. In view of the interim order already granted, the question is whether the third respondent is justified in levying spot fine of Rs.2500/- on the petitioner. The petitioner's bus was impounded near Mahal.

5. According to the third respondent, the petitioner has plied his Mini Bus on the route that is not covered in the permit. Of course, the third respondent detained the vehicle under Section 207 of the Motor Vehicles Act, 1988, for plying the mini bus in the uncovered permit route. Therefore, the detention of the petitioner's vehicle cannot be said to be illegal or without jurisdiction. As per the said provisions, the Police Officer or any other authorised person may instead of seizing the vehicle, seize the Certificate of registration of the vehicle and issue an acknowledgement in respect thereof. There is a policy behind incorporation of such an option. There is a public interest in these matters. If a running vehicle is seized, the public will obviously be put to inconvenience.

6. Therefore, in this case, the third respondent ought to have taken recourse to the alternative course of action provided in Section 207 (1) of the Motor Vehicles act, 1988. That apart, it is admitted by the third respondent that he has written to the Regional Traffic Authority, Sivagangai, seeking to know if there is any permit violation.

7. The third respondent, who appeared in person, before this Court fairly and frankly admitted that the Regional Traffic Authority, Sivagangai, has not given any clarification to him. Therefore, on the date when the impounding was made, the third respondent did not have any definite material to come to the conclusion that the petitioner had violated the permit conditions.

8. The petitioner has enclosed the permit copy in the typed set of papers. In the said permit Mahal is referred to. In this case, the petitioner's vehicle was impounded from near Mahal only. Therefore, this Court is of the view that the third respondent was not justified in levying the fine amount of Rs.2,500/- on the petitioner. Therefore, the spot fine of Rs.2,500/- issued by the third respondent is quashed.

9. The learned counsel appearing for the petitioner fairly submitted that he would not have pressed his claim for damages.



10. The Writ Petition is partly allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.
Sd/-

Assistant Registrar (CS-III)

WEB COPY/True Copy/

Sub Assistant Registrar

To

1. The District Collector
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The Regional Transport Authority,
Collectorate, Madurai.
2. The Commissioner of Police,
Office of the Police Commissioner,
Madurai.
3. The Inspector of Police,
Traffic TPKM Police Station, Madurai.

+2cc to Mr.T.S.R.Venkataramana, Advocate SR.No.51064

+1cc to The Spl. Government Pleader Sr.No.51319

TSG

VB/JC/SAR4/07/05/2018/3P/7C

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