



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4199 of 2018

A.Gunaseelan

.. Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Respondent to release the Petitioner's Mini Bus bearing Registration No. TN 74 Y 3061 forthwith.

For Petitioner

: Mr.A.C.Asaithambi

For Respondent

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader takes notice for the respondent.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is a mini bus operator. His mini bus bearing Registration No. TN 74 Y 3061 was detained on 06.04.2017, on the ground that there is some deficiency in the vehicle. The mini bus is presently in the custody of the respondent. In the meanwhile there was a fire accident.

4.The learned Additional Government Pleader appearing for the respondent would point out that serious discrepancies were noticed in the registration number and chassis number.

5.The learned counsel appearing for the writ petitioner gives an undertaking on behalf of the writ petitioner that the said bus will not be alienated till the disposal of the enquiry that may be initiated against him by the respondent. It is further



submitted that the writ petitioner would give his fullest co-operation for early conclusion of the enquiry that may be initiated by the respondent.

6. The only request made by the petitioner is that the respondent may handover the custody of the mini bus to him so that he can carryout repairs. For the discrepancies noticed, it is open to the respondent to proceed against the petitioner in accordance with law. No purpose will be served in continuing to keep the said mini bus in the custody of the respondent since it would lose its value on account of exposure in open space.

7. Hence, this Court directs the respondent to return the said detained mini bus bearing Registration No. TN 74 Y 3061 to the writ petitioner forthwith without any delay, so that he can carryout repairs by keeping it in his custody.

8. With this direction, the Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To:

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1cc to Mr.A.C.Asaithambi, Advocate Sr.No.52412
+1cc to The Spl. Government Pleader Sr.No.52924

SJ

VB/SKN/RSK/SAR3/06.03.2018/2P/4C

ORDER MADE IN
W.P. (MD) No.4199 of 2018
01.03.2018