



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 6071 of 2018

C.M. Anisha Petitioner

Vs.

The Regional Transport Officer ,
Marthandam,
Kanyakumari District. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to release the mini bus bearing Registration TN 74 U 3156 which was seized on 26.02.2018 now in the custody of the respondent's office forthwith.

For Petitioner : Mr. A.C. Asaithambi
For Respondent : Mrs. S. Srimathy
Special Government Pleader

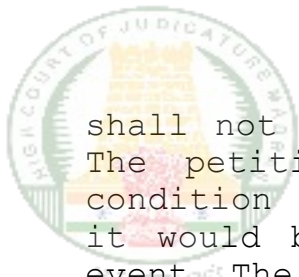
ORDER

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

2. Mrs. Srimathy, learned Special Government Pleader takes notice for the respondent.

3. The mini bus belonging to the writ petitioner was seized by the respondent on the ground that it was plying on an unauthorized route. The act of seizure cannot be faulted. But, then the question is whether it should be released or not. No purpose will be served in continuing to keep the said mini bus in the custody of the respondent since the vehicle would only lose its value by exposure in open area. That apart, this Court can take judicial notice of the fact that the parts of such detained buses go missing. Therefore, the respondent is directed to return the mini bus to the petitioner immediately in any event within a period of one week from the date of receipt of a copy of this order.

4. The writ petitioner has to file an undertaking affidavit before the respondent offering to extend full co-operation with the enquiry that may be initiated by the respondent. The petitioner



shall not alienate the vehicle till the conclusion of the enquiry. The petitioner shall also undertake not to violate the permit condition in future. If the permit conditions are again violated, it would be open to the respondent to seize the vehicle in that event. The writ petition is allowed accordingly. No costs.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar (ADII)

Sub-Assistant Registrar

To
The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+One cc to M/s.A.C.Asaithambi, Advocate, SR.No.57228

rmi

RL/3C/2P/SKN/RSK/SAR1/23/3/2018

W.P. (MD) Nos.6071 of 2018

22.03.2018 (½)