



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. 6072 of 2018

Chellan 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 E 7398 which was seized on 06.03.2018 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.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+One cc to Mr.A.C.Asaitambi, Advocate, SR.No.57229

rmi

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

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22.03.2018 (½)