



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2018

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.6346 of 2018

R.Kannan

... Petitioner

Vs.

1. The Regional Transport Officer,
Regional Transport Office,
Palani, Dindigul District.

2. The Sub-Inspector of Police,
Oddanchathiram Police Station,
Oddanchathiram,
Dindigul District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, to direct the respondents herein to release the petitioner's Hero Passion Pro, vehicle bearing Chase No.MBLJAR 03949J10813 within a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.S.Karthik

For Respondents : Mr.P.Kannidevan
Additional Government Pleader

O R D E R

This Writ Petition has been filed to direct the respondents herein to release the petitioner's Hero Passion Pro, vehicle bearing Chase No.MBLJAR 03949J10813.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, the petitioner's son Ashok had purchased a two wheeler, namely Hero Passion Pro vehicle on 25.10.2017 in Palaniappa Motors, Oddanchathiram for a sum of Rs.56,588/-. The same was registered as Temporary Registration No.TN57 TC BD 07. On 06.12.2017 the petitioner's son met with an accident. Here, the Inspector of Police registered a case in Crime No.587 of 2017 under Sections 279 and 337 IPC against the



son of the petitioner stating that the petitioner's son drove the vehicle without valid licence and registration certificate and therefore, charge sheet has been filed before the learned Judicial Magistrate, Oddanchathiram against the son of the petitioner. In the mean time the petitioner's son died on 31.12.2017.

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4. Therefore, the petitioner approached the second respondent to return the vehicle. The second respondent directed the petitioner to approach the competent Court seeking return of vehicle, since the charges are against the son of the petitioner. Hence, the petitioner filed an application before the learned Judicial Magistrate Court, Oddanchathiram on 06.02.2018 by an unnumbered Cr.M.P.No..... 2018 in Cr.No.587 of 2017. The said application was returned by stating that F.I.R. was filed against the accused K.Ashok. Subsequently, charges were abated against the accused, since accused was died. Thereafter, the petitioner approached the second respondent to return the vehicle, since there is no charges pending in the criminal case and submitted a representation on 16.02.2018 to the respondents. But no order has been passed. Hence, the petitioner has filed this present writ petition with the aforesaid prayer.

5. The learned Additional Government Pleader submitted that the petitioner did not furnished the legal heir certificate and other particulars before the authorities concerned. If the said particulars is given to the respondents, the representation of the petitioner will be considered by the respondent in accordance with law.

6. The learned counsel for the petitioner seeks two weeks time to furnish the said particulars to the authorities concerned.

7. In view of the above submission, this Court directs the petitioner to submit the particulars as required by the authorities concerned within a period of two weeks from the date of receipt of a copy of this order. On receipt of such particulars, the second respondent is directed to consider the same on merits and pass appropriate orders within a period of two weeks therefrom.

8. With the above direction this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The Regional Transport Officer,
Regional Transport Office,
Palani, Dindigul District.

2. The Sub-Inspector of Police,
Oddanchathiram Police Station,
Oddanchathiram,
Dindigul District.

+ 1 cc TO Mr.S.Karthik , Advocate in SR No. 69430

+ 1 cc TO The Special Government Pleader in SR No. 69615

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AE/SKN RSK/SAR3/28.06.2018/3P/5C

W.P. (MD) No.6346 of 2018
22.06.2018