



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. (MD) No.683 of 2018

V.Ramaraj

... Petitioner

-Vs-

1. The District Revenue Officer,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Civil Supplies C.I.D.
Kuzhithurai at Nagercoil,
Kanyakumari District.
3. The Secretary,
Regional Transport Authority,
Pollachi, Coimbatore District.

... Respondents

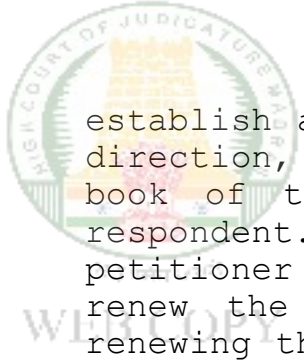
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to return the original Registration Certificate pertaining to the Lorry bearing Reg.No.TN-37-Z-7599 to enable the petitioner to get fitness certificate from the third respondent.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mrs.J.Padmavathy Devi,
Special Government Pleader.

ORDER

The Writ Petition has been filed directing the first respondent to return the original Registration Certificate book pertaining to the Lorry bearing Reg.No.TN-37-Z-7599 to enable the petitioner to get fitness certificate from the third respondent.

2. According to the petitioner, the petitioner's lorry was seized by the second respondent herein on 10.05.2017 for the alleged transporting of 80 bags of the rice. Thereafter, the petitioner filed a Writ Petition in W.P. (MD) No.12966 of 2017 before this Court seeking direction to release the vehicle and this Court, by an order dated 13.07.2017, disposed of the said Writ Petition with the direction to the first respondent to release the vehicle with various conditions and one of the conditions is that the petitioner should produce necessary documents before the first respondent to



establish and prove his ownership of the vehicle. Pursuant to the direction, the petitioner has produced the Registration Certificate book of the vehicle and the same is in custody of the first respondent. In the mean time, the fitness certificate of the petitioner had expired on 21.11.2017 and the petitioner wants to renew the same. When he approached the third respondent for renewing the fitness certificate, the third respondent insisted the petitioner to produce the original Registration Certificate book. Hence, he made a representation dated 05.01.2018 to the first respondent requesting to return the original Registration Certificate book and he undertaken that after getting fitness certificate, he will return the same to the first respondent. But the first respondent did not pass any orders on the representation made by the petitioner. Hence, the petitioner has filed the present Writ Petition.

3.Today, when the matter is taken up for hearing, the learned counsel for the petitioner filed an undertaking affidavit and the relevant portion of the undertaking is as follows:-

"4.I submit that I am ready to return the original RC book to the first respondent as soon as the fitness certificate is renewed by the third respondent. It will take 7 to 10 days for renewal of fitness certificate. Hence, I hereby undertake that I will produce the original RC book before the first respondent within 10 days from the date on which the first respondent returns the RC book to me."

4.I have heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on record carefully.

5.Since the fitness certificate of the petitioner had already expired, the petitioner wants to renew the same for which the original Registration Certificate book is necessary. Considering the facts and circumstances of the case, the petitioner is directed to file an undertaking affidavit before the first respondent stating that he will return the Registration Certificate book within two weeks from granting of the Registration Certificate book to the petitioner. On filing of such undertaking, the first respondent is directed to give the original Registration Certificate book to the petitioner, after keeping copies with him and after getting the fitness certificate, the petitioner should return the original Registration Certificate book to the first respondent.

6.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/



1. The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Civil Supplies C.I.D.
Kuzhithurai at Nagercoil,
Kanyakumari District.

3. The Secretary,
Regional Transport Authority,
Pollachi, Coimbatore District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 43681
+1CC to Mr.T.Lenin Kumar, Advocate, SR.No. 43691

MYR

TE/SKN-RSK/SAR-2 : 02/02/2018 : 3P/6C

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