



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P (MD) No. 9299 of 2018

WEB COPY

J.Jeya Benitha

: Petitioner

Vs.

1. The Regional Transport Authority -cum-
District Collector,
Kanniyakumari District,
Nagercoil.

2. The Regional Transport Officer,
Koshiyar Vilai,
Mulagumudu Post,
Kanniyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to release the Mini Bus vide Registration No.TN-57-E-3308 forthwith, without prejudice to the enquiry yet to be conducted by the second respondent regarding the allegations mentioned in the vehicle inspection renewal report dated 11.04.2018.

For Petitioner

: Mr.K.P.Narayanakumar

For Respondents

: Mr.A.Muthukaruppan,

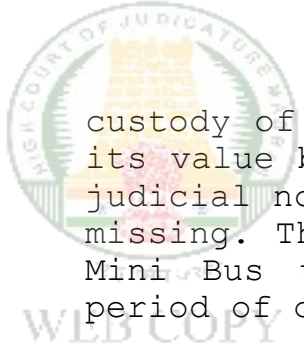
Additional Government Pleader

ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the second respondent to release the Mini Bus bearing Registration No.TN-57-E-3308 forthwith, without prejudice to the enquiry yet to be conducted by the second respondent regarding the allegations mentioned in the vehicle inspection renewal report dated 11.04.2018.

2. Mr.A.Muthukaruppan, learned Additional Government Pleader, who takes notice on behalf of the respondents, would vehemently oppose the release of Mini Bus on the ground that the petitioner has willfully violated the permit conditions.

3. The Mini Bus belonging to the petitioner was seized by the second 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 second 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 second 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 petitioner has to file an undertaking affidavit before the second respondent offering to extend full co-operation with the enquiry that may be initiated by the second respondent. The petitioner shall not alienate the vehicle till the conclusion of the enquiry. The petitioner shall also undertake not to violate the permit conditions in future. If the permit conditions are again violated, it would be open to the second respondent to seize the vehicle in that event.

5. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Transport Authority -cum-
District Collector,
Kanyakumari District,
Nagercoil.

2. The Regional Transport Officer,
Koshipar Vilai,
Mulagumudu Post,
Kanyakumari District.

+1cc to Mr.K.P.Narayanakumar, Advocate Sr.No.63570

SML

VB/SV/SAR3/02/05/2018/2P/4C

Order made in
W.P(MD)No.9299 of 2018
Dated: 25.04.2018