



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.05.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No.11264 of 2018

V.Krishnamoorthy

... Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to release the petitioner's mini bus bearing a registration No.TN 74 E 7205 and consider the petitioner's representation dated 18.05.2018.

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.A.K.Baskarapandian,
Special Government Pleader.

O R D E R

The present writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's mini bus bearing a registration No.TN 74 E 7205 and consider the petitioner's representation dated 18.05.2018.

2.Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3.The learned Counsel for the petitioner would submit that the petitioner is operating a Mini bus, bearing Registration No. TN 74 E 7205, plying on the route Azhagiamandapam to Keelakalkurichi, via., Manali, Government Hospital, Mettukadai, Thuckalai Bus stand, Ramanaparambu, Muthalakurichy, Poochikattuvelai, Keezhamoolachel Post, Thuckalay. The learned Counsel would also submit that the said permit was issued by the District Collector, Kanyakumari District at Nagercoil and it is valid up to 05.12.2020.

4.The learned Counsel for the petitioner would further submit that the vehicle was seized by the respondent on 18.05.2018. According to the learned Counsel for the petitioner, if any violation of the rules, the respondent shall collect the compounding fees from the petitioner, under the provisions of the Tamil Nadu Motor Vehicles Rules, 1989 and the petitioner has also made a representation on 18.05.2018. Since, no order has been passed so



far, the petitioner has approached this Court with the present writ petition.

5.The learned Special Government Pleader appearing for the respondent would submit that the aforesaid vehicle was seized by the respondent under Section 207 of the Tamil Nadu Motor Vehicles Rules, 1989, for violating the permit conditions. He further submitted that the respondent has also initiated proceedings against the petitioner.

6.Taking into consideration of the aforesaid facts and in the interest of justice, the vehicle which is now under the custody of the respondent, is directed to be released on the following conditions:

i)The petitioner shall produce the original RC book, before the respondent to prove the ownership of the said vehicle.

ii)As and when required, the petitioner shall produce the vehicle before the respondent and if any proceedings is pending, the petitioner shall not alienate the vehicle or make any charge over the vehicle, pending disposal of the enquiry.

iii)The petitioner shall give an undertaking before the respondent that the petitioner will not violate the permit condition, in future.

7.In future, if any violation of the above said conditions, the respondent is at liberty to seize the vehicle, in addition to departmental action.

8.In compliance of the aforesaid conditions by the petitioner, the respondent is directed to release the vehicle immediately to the petitioner.

9.With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Vacation Officer

/True copy/

Sub Assistant Registrar

To
The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1cc to M/s.Mr.H.Velavadhas, Advocate, SR.No.66083.
+1cc to Special Government Pleader, SR.No.66191.

ORDER MADE IN
W.P.(MD) No.11264 of 2018

MR/NS

<https://hcservices.ecourts.gov.in/hcservices/>

RAM/RSK SKN/SAR 3/24.05.2018/2P/4C