



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.06.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.11752 of 2018

A.Chellan : Petitioner
Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's Mini Buses bearing Registration Nos.TN 74E 7398 and TN 75K 0220 forthwith.

For Petitioner : Mr.A.C.Asaithambi
For Respondent : Mr.S.Dhayalan,
Government Advocate

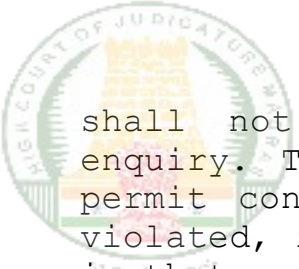
ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondent to release his Mini Buses bearing Registration Nos.TN 74E 7398 and TN 75K 0220 forthwith.

2. Mr.S.Dhayalan, learned Government Advocate, who takes notice on behalf of the respondent, would vehemently oppose the release of Mini Buses on the ground that the petitioner has willfully violated the permit conditions.

3. The Mini Buses belonging to the petitioner were seized by the respondent on the ground that the Mini Buses were plying on an unauthorized route. The act of seizure cannot be faulted. But, then the question is whether the Mini Buses should be released or not. No purpose will be served in continuing to keep the said Mini Buses in the custody of the respondent, since the vehicles 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 Buses 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 respondent offering to extend full co-operation with the enquiry that may be initiated by the respondent. The petitioner



shall not alienate the vehicles 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 respondent to seize the vehicles in that event.

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

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1cc to M/S.A.C.Asaitambi, Advocate SR.No. 66626

Order made in
W.P(MD)No.11752 of 2018
Dated: 04.06.2018

sml
JM/SKN RSK/SAR 1/04.06.2018/2P/3C