



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2018

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) Nos.21618, 21619 and 21620 of 2018

C.Johnson	...	Petitioner in W.P.(MD)No.21618 of 2018
A.P.Neela Kumar	...	Petitioner in W.P.(MD)No.21619 of 2018
Y.Singh	...	Petitioner in W.P.(MD)No.21620 of 2018

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.
Petitions

... Respondent in Writ

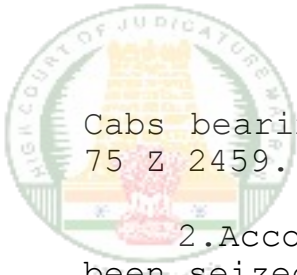
PRAYER in W.P.(MD)No.21618 of 2018 : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to release the petitioner's Maxi Cab bearing Registration No.TN 59 AZ 6879 forthwith.

PRAYER in W.P.(MD)No.21619 of 2018 : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to release the petitioner's Maxi Cab bearing Registration No.TN 49 AC 7049 forthwith.

PRAYER in W.P.(MD)No.21620 of 2018 : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to release the petitioner's Maxi Cab bearing Registration No.TN 75 Z 2459 forthwith.

For Petitioner : Mr.A.C.Asaithambi(In all Writ Petitions)
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader.
(in all writ petitions)

COMMON ORDER



Cabs bearing Registration Nos. TN 59 AZ 6879, TN 49 AC 7049 and TN 75 Z 2459.

2. According to the petitioners, the petitioners' vehicles have been seized by the respondent on the ground that the petitioners are operating the maxi cabs as stage carriage, collecting individual fare from the passengers. The petitioners, however, disputes the said allegation on the basis of which, the vehicles were seized.

3. The learned counsel for the petitioners also submitted that under the Tamil Nadu Motor Vehicles Rules, the maximum penalty that can be imposed is only Rs.1000/-.

4. Taking into consideration of the actual facts assigned in affidavits filed in support of the petitions and also considering the fact that the vehicles are under the custody of the respondents having been seized on 09.10.2018, 28.08.2018 and 27.08.2018 respectively and if the same are allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value, pending proceedings before the respondent, this Court is of the view that the vehicles can be released by imposing certain conditions on the petitioners for release of the aforesaid vehicles.

5. Accordingly, the respondent is directed to release the vehicles in question to the petitioners within a period of seven days from the date of receipt of a copy of this order subject to the following conditions:

- “(i) The petitioners shall produce documents before the respondent under whose custody the vehicle is kept, to establish the ownership of the vehicles in question;
- (ii) Each petitioner shall deposit a sum of Rs.5,000/- (Rupees Five thousand only), before the respondent herein;
- (iii) The petitioners shall give an undertaking that they will not use the vehicles for any illegal activities in future and shall produce the same as and when required by the respondent;
- (iv) On doing so, the vehicles in question shall be returned to the petitioners;
- (v) The petitioners shall not alienate the vehicles in question till the disposal of the proceedings before the authority concerned;
- (vi) The respondent is directed to complete the enquiry within a period of four weeks from the date of receipt of a copy of this order; and

- (vii) The petitioners are also directed to participate in the enquiry to be conducted



by the respondent."

6. The writ petitions are disposed of accordingly. No costs.

Sd/

Assistant Registrar(CS-III)

/True copy/

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Sub Assistant Registrar(CS-IV)

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+3cc to Mr.A.C.ASAITHAMBI, Advocate, SR.No.90949,90948,90947

+1cc to M/s.Special Government Pleader,SR.No.90966

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