



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.06.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P (MD) No.13480 of 2018

S.Rajasekar : 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 vehicle - Mini Bus bearing Registration No.TN-75-T-7341 within the time stipulated by this Court.

For Petitioner : Mr.S.Micheal Heldon Kumar
For Respondent : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

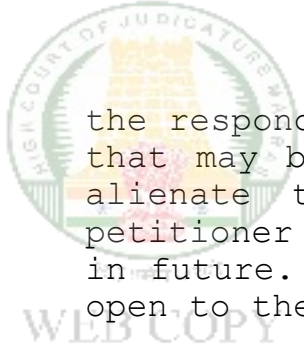
The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's vehicle - Mini Bus bearing Registration No.TN-75-T-7341.

2. Mrs.J.Padmavathi Devi, learned Special Government Pleader, who takes notice on behalf of the respondent, 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 respondent on the ground that it was plying on an unauthorized route, collecting high bus fare, not producing the vehicle pollution test certificate, vehicle permit and driving licence of the driver, during inspection. 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 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 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.

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

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 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 respondent to seize the vehicle in that event.

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

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

The Regional Transport Officer,
Marthandam,
Kanniyakumari District.

+1CC to Mr.Michel HeldonKumar Advocate in SR.No.69675.

+1CC to Special Government Pleader in SR.No.69787.

SM

DS/RSK/SAR-1 :26.06.2018: 2P/4C

Order made in
W.P(MD)No.13480 of 2018
25.06.2018