



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.13950 of 2018

S.Yesudhas

... Petitioner

Vs.

The Regional Transport Officer,
Kozhliporvillai, Marthandam,
Kanyakumari District.

... Respondent

Prayer: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondent to release petitioner's vehicle Mini Bus bearing Registration No.TN 67 5100 within the time stipulated by this Court.

For petitioner : Mr.Micheal Heldon Kumar

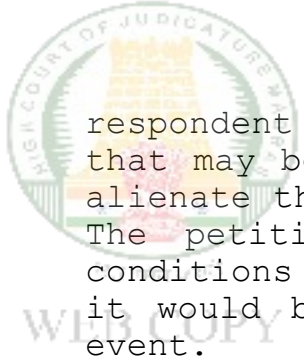
For Respondent : Mrs.J.Padmavathi Devi
Special Government Pleader.

ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondent. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

2.The Mini Bus belonging to the petitioner was seized by the respondent on the ground that it was plying on an unauthorized route and not producing the 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. This Court is of the view that no purpose will be served in continuing to keep the said Mini Bus in the custody of the respondent since the vehicle would only lost 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.

3.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. 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 in question 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.

4.This writ petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Regional Transport Officer,
Kozhliporvillai,
Marthandam,
Kanyakumari District.

+1CC to Mr.S.Michel Heldon Kumar, Advocate in SR.No.70532.

+1CC to The Special Government Pleader in SR.No.70565.

SKM

DS/SV/SAR-2 :02.07.2018: 2P/4C

W.P. (MD) No.13950 of 2018
29.06.2018