



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2018

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD) .No.17830 of 2018

Sarbu Nisha

.. Petitioner

Vs.

1. The District Collector,
District Collectorate,
Dindugul District.

2. The Regional Transport Officer,
Regional Transport Office,
Dindigul District.

3. The Inspector of Police,
Vedasandur Police Station,
Dindigal District.

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second and third respondents to release the Tractor bearing Registration No.TN-57-M-2642 along with the papers, to the petitioner.

For Petitioner : Mr.M.M.Iqbal

For Respondents : Mr.M.Pandiarajan

Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner for direction directing the second and third respondents to release the Tractor bearing Registration No.TN-57-M-2642 along with the papers, to the petitioner.

2.By consent of both parties this writ petition is taken up for final disposal at the stage of admission itself.

3.It is the case of the petitioner that the petitioner holds a tractor bearing registration No.TN 57 M 2642 and her husband was being used the same for day today agricultural purposes in their filed. It is the further case of the



petitioner that on 05.09.2017, when her husband was moving the tractor, the husband of the petitioner suffered with heart attack and died and hence, the vehicle met with an accident and therefore, the third respondent seized the vehicle and left in the custody of the second respondent.

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4.As per Section 207(2) of the Motor Vehicles Act, 1988, once the request to release the vehicle is made, the vehicle has to be returned to the owner of the vehicle or the person in charge of the vehicle. However, contrary to the provision of the Act, the 1st respondent seized the vehicle and left in the custody of the 2nd respondent. Even though, on 10.07.2018, the petitioner made representation to the authorities to return the vehicle to her, there is no response from the authorities. Hence, the petitioner approached this Court.

5.The learned counsel appearing for the petitioner would submit that the vehicle was originally owned by the father-in-law of the petitioner and the same was gifted to the petitioner's husband out of love and affection and since her father-in-law died on 03.10.2008, the registration of the vehicle was not changed and her husband was doing all the agricultural works by using the tractor and hence, now, she is the legal heir of the deceased husband and hence, she prayed for returning of the vehicle to her.

6.Heard the learned Additional Government Pleader appearing for the respondents.

7.Admittedly, the vehicle is originally owned by the father-in-law of the petitioner and the same was gifted to the husband of the petitioner's during his life time. Thereafter, the petitioner's husband used the said vehicle for agricultural purposes. While so, the petitioner also died due to heart attack.

8.Considering all the above facts and circumstances of the case, this Court direct the petitioner to approach the respondent and produce all the relevant certificates and documents to prove her ownership on the vehicle. On such proof of ownership, any one of the legal heir of the petitioner's husband is entitled to get back the vehicle. Therefore, the respondents are directed to return the vehicle bearing registration No..TN 57 M 2642 to the legal heir of the petitioner's husband, after verification of all the relevant documents produced by the legal heir of the petitioner's husband and also on payment of applicable tax and on further condition that the petitioner shall file an affidavit of undertaking to the effect that the petitioner will produce the petition mentioned vehicle as and when required by the respondents and will not alienate the same, without prior permission from the respondents.



9. With the above observations, the writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
District Collectorate,
Dindigul District.
2. The Regional Transport Officer,
Regional Transport Office,
Dindigul District.
3. The Inspector of Police,
Vedasandur Police Station,
Dindigul District.

+ 1 CC TO Mr.M.M.IQBAL, ADVOCATE IN SR No. 78248
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78313

RMK
TE/SKN/SAR-2 : 27/08/2018 : 3P/6C

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11.08.2018