



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.22171 of 2018

S.Siva Chenbaga Kumar

.. Petitioner

Vs.

The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

.. Respondent

Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to release the petitioner's mini bus bearing registration No.TN-74-F-0355 and consider his representation dated 09.10.2018.

For petitioner : Mr.H.Velavadhas

For respondent : Mr.R.Murugan,
Addl. Government Pleader

ORDER

The petitioner has come up with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondent to release his mini bus bearing registration No.TN-74-F-0355, based on his representation dated 09.10.2018.

2. According to the petitioner, on 09.10.2018 the Inspector of Police, Traffic Investigation Wings seized the vehicle of the petitioner stating that the vehicle was used in violation of the permit conditions and the said Inspector of Police has, subsequently, handed over the vehicle to the respondent herein. On the very same day, the petitioner has approached the respondent and given a representation for release of the vehicle. As there was no response to the same, the petitioner has come up with this writ petition.

3. Mr.R.Murugan, learned Additional Government Pleader, who takes notice on behalf of the respondent, would vehemently oppose the release of vehicle on the ground that the petitioner has willfully violated the permit condition.



4. In any event, as the vehicle is under the custody of the respondent having been seized on 09.10.2018 and considering the fact that if the same is allowed to be kept idle by exposing to sun and rain, it would certainly diminish its value. Therefore, pending proceedings before the respondent, this Court is of the view that the vehicle in question can be released by imposing certain conditions.

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

- "(i) The petitioner shall produce documents before the respondent to establish the ownership of the vehicle in question;
- (ii) The petitioner shall give an undertaking that he will not violate the permit conditions in future and shall produce the vehicle as and when required by the respondent;
- (iii) On doing so, the vehicle in question shall be returned to the petitioner;
- (iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;
- (v) 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
- (vi) The petitioner is also directed to co-participate in the enquiry to be conducted by the respondent."

6. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS-III)



To
1. The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

+1 CC To MR.H.VELAVADHAS, Advocate SR. NO. 93338
+1 CC TO The Special Government Pleader SR.NO. 93850

Order made in
W.P (MD) No. 22171 of 2018
31.10.2018

GCG
TR/SKN-RSK/SAR-III (01.11.2018) 3P 4C