



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

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W.P(MD)No.22453 of 2018

S.Yesudhas

.. Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
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 respondent to release the petitioner's vehicle - mini bus bearing registration No.TN-74-Y-2773 within a stipulated time.

For petitioner

: Mr.S.Micheal Heldon Kumar

For respondent

: Mr.A.Thiyagarajan,
Government Advocate

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-Y-2773 within a stipulated time.

2. According to the petitioner, on 29.10.2018, during inspection, the respondent herein seized the vehicle of the petitioner stating that the vehicle used in violation of the permit conditions and emission certificate has also not been produced. On the very same day, the petitioner has approached the respondent for release of the vehicle. As there was no response to the same, the petitioner has come up with this writ petition.

3. Mr.A.Thiyagarajan, learned Government Advocate, who takes notice on behalf of the respondent, would vehemently oppose to release the vehicle stating that the petitioner has willfully violated the permit conditions.

4. In any event, as the vehicle is under the custody of the respondent having been seized on 29.10.2018 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, this Court is of the view that the vehicle in question can be directed to be released by imposing certain conditions pending proceedings before the respondent.



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:

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- (i) The petitioner shall produce documents before the respondent to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) before the respondent;
- (iii) 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;
- (iv) On doing so, the vehicle in question shall be returned to the petitioner;
- (v) The petitioner shall not alienate the vehicle 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 petitioner is also directed to co-operate in the enquiry to be conducted by the respondent.
- (viii) If the petitioner opts and respondent consider for compounding, the respondent is directed to deduct the compounding fee from the deposited amount and return balance amount to the petitioner. If the petitioner succeeds in his contest, the respondent is directed to refund the entire deposited amount immediately after adjudication."

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

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)



gcg

To

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

+1cc to Mr.S.Micheal Heldon Kumar, Advocate in SR NO.94092

W.P (MD) No.22453 of 2018

NM/RP/SAR III/02.11.18/3P/3C.