



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.19133 of 2018

and

W.M.P(MD) Nos.16976 & 16977 of 2018

E.Umesh

... Petitioner

vs.

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

2.State rep., by
The Inspector of Police,
Colachel Police Station,
Kanyakumari District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in No.A 480633 dated 13.08.2018 on the file of the 1st respondent and quash the same and consequently, direct the 2nd respondent to release the vehicle bearing No.TN 74 Y 3485 to the Petitioner.

For Petitioner	:Mr.KA.Raamakrishnan
For Respondents	:Mr.R.Murugan, Additional Government Pleader

ORDER

The petitioner seeks for a Writ of Certiorarified Mandamus, to call for the records in No.A 480633 dated 13.08.2018 on the file of the 1st respondent and quash the same and consequently, direct the 2nd respondent to release the vehicle bearing No.TN 74 Y 3485 to the Petitioner.

2. According to the petitioner, even though he had plied the aforesaid vehicle with all relevant documents, the first respondent has seized the vehicle.

3. On the other hand, it is submitted by the learned Additional Government Pleader appearing for the respondents that the vehicle is seized as the same was plied without valid papers, including registration certificate book and transport permit.



4. In any event, as the vehicle is under the custody of the first respondent, having been seized on 13.08.2018 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value.

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5. Therefore, pending proceedings before the respondents, declining to interfere with the impugned order on the file of the 1st respondent, this Court is of the view that, the vehicle can be released by imposing certain conditions on the petitioner for release of the aforesaid vehicle.

6. Accordingly, the first 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 first respondent under whose custody the vehicle is kept, to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the first respondent herein, towards the above proceedings;
- (iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents;
- (iv) On doing so, the vehicles 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 first 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 participate in the enquiry to be conducted by the first respondent."

6. The Writ Petition is disposed of accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AS)

/True Copy/



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Sub Assistant Registrar (CS-II)

To:

1. The Regional Transport Officer,
Marthandam,
Kanyakumari District.
2. The Inspector of Police,
Colachel Police Station.
Kanyakumari District.

+1CC TO MR.K.A.RAMAKRISHNAN ADVOCATE IN SR.No.17068.

STS

DS SV SAR-2;07.09.2018; 3P/4C

Order in
W.P. (MD) No.19133 of 2018
07.09.2018