

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.01.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) No.24105 of 2017**

S.Ahamed Abdul Kabar

... Petitioner

Vs.

The Regional Transport Officer,
Madurai Central,
Madurai-1.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to release the petitioner's Mini Spare Bus bearing Registration No. TN 32-N-0309, which was seized on 08.12.2017.

For petitioner	: Mr.A.C.Asaithambi
For respondent	: Mr.J.Gunaseelan Muthiah Additional Government Pleader

O R D E R

The petitioner is a mini bus operator. Alleging that the permit conditions have been violated, the Mini Spare Bus bearing Registration No. TN 32-N-0309 belonging to the petitioner was seized on 08.12.2017.

2. The learned counsel appearing for the petitioner submits that the bus is now stationed in the premises of the D2/ Perungudi Police Station, Madurai. If the vehicle is allowed to be retained in the custody of the respondent, it will be exposed to sunlight and lose its value. In similar circumstances, this Court had ordered release of the vehicle, subject to certain conditions.



3. The respondent issued a memo dated 14.12.2017 calling upon the writ petitioner to offer his explanation. The writ petitioner has also offered his explanation on 15.12.2017. It is for the respondent to pass final orders on the said explanation dated 15.12.2017. No purpose will be served by retaining the vehicle.

4. Accordingly, the respondent is directed to release the vehicle in question to the petitioner forthwith subject to the following conditions:

"(i) The petitioner shall produce the documents before the respondents to establish the ownership of the vehicle in question;

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only), before the first respondent;

(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 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; and

(vi) The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

5. This Writ petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/



To

The Regional Transport Officer,
Madurai Central,
Madurai-1.

+1cc to M/S.A.C.ASAITHAMBI, Advocate SR.No.40608.

ORDER MADE IN
W.P. (MD) No.24105 of 2017
05.01.2018

kmi

SDS/SV:MMS/SAR 1/09.01.2018/3P/3C