



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.19851 of 2018

Y.Daffini Shanio

... Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent to release the petitioner's Vehicle, namely, Mini Bus, bearing Registration No.TN-29-N-0255, within a stipulated time limit.

For Petitioner	:	Mr.S.Micheal Heldon Kumar
For Respondent	:	Mr.A.Thiyagarajan, Government Advocate

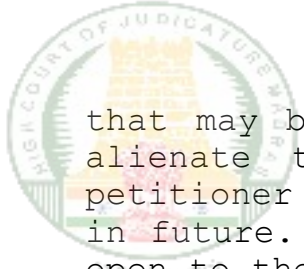
ORDER

The petitioner has come forward with the present writ petition seeking for issuance of a Writ of Mandamus, directing the respondent to release her Mini Bus, bearing Registration No.TN-29-N-0255, which was seized by the respondent on 12.09.2018.

2. Mr.A.Thiyagarajan, learned Government Advocate, who takes notice for the respondent, would vehemently oppose the release of vehicle on the ground that the petitioner has willfully violated the permit conditions.

3. The vehicle belonging to the petitioner was seized by the respondent on the ground that it was plying against the permit conditions. The act of seizure cannot be faulted. But, then the question is whether it should be released or not. No purpose will be served in continuing to keep the said vehicle in the custody of the respondent, since the vehicle would only lose its value by exposure in open area. That apart, this Court can take judicial notice of the fact that the parts of such detained buses go missing. Therefore, the respondent is directed to return the vehicle to the petitioner immediately, in any event, within a period of one week from the date of receipt of a copy of this order.

4. The petitioner has to file an undertaking affidavit before the respondent offering to extend full co-operation with the enquiry



that may be initiated by the respondent. The petitioner shall not alienate the vehicle till the conclusion of the enquiry. The petitioner shall also undertake not to violate the permit conditions in future. If the permit conditions are again violated, it would be open to the respondent to seize the vehicle in that event.

5. This writ petition stands allowed accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1CC TO MR.S.MICHEL HELDON KUMAR ADVOCATE IN SR.NO.84451.

GK
DS RP SAR-1:17.09.2018: 2P/3C

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