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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P(MD)No.20752 of 2018

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.. Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's Maxi Cab bearing Registration No.TN-75-M-1750 forthwith.

For Petitioner : Mr.A.C.Asaithambi
For Respondent : Mr.D.Muruganantham,
Additional Government Pleader

ORDER

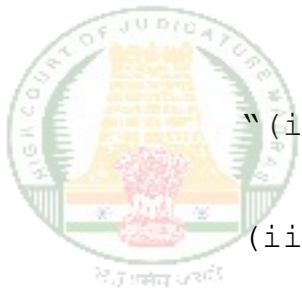
The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondent to release his Maxi Cab bearing Registration No.TN-75-M-1750.

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

3. Mr.D.Muruganantham, 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 conditions.

4. In any event, as the vehicle is under the custody of the respondent having been seized on 23.07.2018 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. Therefore, pending proceedings before the 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.

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) for the vehicle 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 participate in the enquiry to be conducted by the respondent."

6. The Writ Petition is ordered accordingly. No costs.
Sd/-
Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar(CS I)

gk

To
The Regional Transport Officer,
Marthandam, Kanyakumari District.

1CC TO MR A.C. ASAI THAMBI, ADVOCATE SR 88344

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Order made in W.P(MD)No.20752 of 2018