

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.14356 of 2019 and
WMP.No.14415 of 2019

K.M.Inbasekaran

... Petitioner

..Vs..

1. The Regional Transport Officer
Dharmapuri.

2. The Sub Inspector of Police,
Palacode, Dharmapuri District

.... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to release the Petitioner's Stage Carriage Bus No.TN-45/AT-6124 along with original records of the vehicle forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents. By consent of both sides, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking for a direction to the respondents herein to release the Petitioner's Stage Carriage Bus No.TN-45/AT-6124 along with original records of the vehicle forthwith.

3. The case of the petitioner is that he is the permit holder of the stage carriage bus bearing Registration No.TN-45/AT-6124 for the route from Kaveripattinam to Hosur, issued by the first respondent and on 08.05.2019, when the vehicle was on regular trip, the Motor Vehicles Inspector attached to the first respondent intercepted the vehicle and seized the vehicle for the

violation of permit conditions and after seizure, the vehicle was left with the custody of the second respondent. In this regard, the petitioner made a representation on 09.05.2019 to the first respondent seeking to release his vehicle stating that all the original documents were in the custody of the first respondent. As the same did not evoke response, the petitioner has come forward with this present writ petition seeking for the aforesaid relief.

4. The learned counsel for the petitioner submitted that the issue involved in the present writ petition is covered by the decision of this Court made in W.P.No.758 of 2016 dated 07.01.2016.

5. The learned Government Advocate appearing for the respondents would submit that if the original documents were really with the custody of first respondent, the same shall be verified and the vehicle shall be released.

6. Having regard to the submissions made by the learned counsel on either side and following the ratio laid down in W.P.No.758 of 2016, I direct the respondents to release the petitioner's vehicle bearing No.TN 45/AT-6124, forthwith on filing of an affidavit of undertaking to the effect that he will not alienate the same without prior permission from the respondents, however, after verification of all the relevant documents produced by the petitioner. As far as the violation of permit is concerned, it is open to the respondents to proceed against the petitioner in accordance with law.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is also closed.

सत्यमेव जयते
Sd/-

Assistant Registrar (V.O)

//True Copy//

Sub Assistant Registrar

arr/vkr

To:

1. The Regional Transport Officer
Dharmapuri.

2. The Sub Inspector of Police,
Palacode, Dharmapuri District

+lcc to Mr.K.Hariharan, Advocate, S.R.No.43876
+lcc to the Government Pleader, S.R.No.44026

W.P.No.14356 of 2019 and
WMP.No.14415 of 2019

AK(CO)
CS/17/05/2019



WEB COPY