

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.22799 of 2019

R.Susheela

.. Petitioner

/versus/

The Regional Transport Officer,
Udhagamandalam, Chennai

.. Respondent

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the petitioner Motor Cab bearing Registration No.TN 39 AE 9892 which was seized by the respondent on 30.11.2016 and consequently direct the respondent to consider the petitioner representation dated 01.07.2019.

For petitioner : Mr.Balaji.T

For Respondent : Mrs.P.Rajalakshmi
Additional Government Pleader

O R D E R

The case of the petitioner is that the petitioner is the owner of the vehicle bearing Registration No.TN 39 AE 9892. The RC book stands in her name.

2. On 30.11.2016, the vehicle was intercepted by the Motor Vehicle Inspector, Ooty and seized by him alleging that the vehicle falsely using registration No.TN 76/7449 and plying without proper permit and insurance. The petitioner gave a representation to the Regional Transport Officer, Ooty to return the vehicle. Since the Regional Transport Officer has not responded to her request, the present writ petition is filed.

3. The learned Additional Government Pleader who took notice on behalf of the respondent would submit that based on the information that two vehicles with same registration number TN 76/7449 are plying without permit, the Motor Vehicle Inspector, Ooty intercepted the vehicles and found that one vehicle owned by R.Udayakumar S/o. Rajan bearing registration No.TN 76/7449 is

genuine registration carrying valid documents. Whereas, another vehicle with original registration TN 39 AE 9892, but carrying false registration No.TN 76/7449 is without valid permit and insurance. Therefore, the said vehicle was seized on 07.12.2016. The matter was reported to the police to take action against the vehicle owner.

4. The learned counsel for the petitioner would submit that the vehicle of the petitioner was erroneously seized by the Motor Vehicle Inspector and now parked at Regional Transport Officer office for the past three years in the open space and it is exposed to sun, rain. In spite of repeated representation, they have not released the vehicle. He has furnished all the documents to show the ownership, permit and insurance. Instead of impounding the vehicle which was carrying duplicate number plate, they have seized the genuine vehicle of the petitioner.

5. The learned Additional Government Pleader would submit that under Section 207 of the Motor Vehicle Act, if any motor vehicle has been seized and detained under Sub-Section(1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may; after verification of such documents, by order release the vehicle subject to such condition as the authority or officer may deem fit to impose.

6. It is a case where the petitioner has already made a representation to the authority on 01.07.2019 after getting information under the RTI Act. So far the Regional Transport Officer has not passed any order on his representation. The communication of the Motor Vehicle Inspector Kannan dated 07.12.2016 indicates that the other vehicle with registration No.TN 76/7449 is owned by R.Udayakumar and it is genuine vehicle, but the RTI information obtained by the petitioner herein indicates the vehicle bearing registration TN 76/7449 is owned by one Anitha and not by R.Udayakumar, as stated by the Motor Vehicle Inspector. Further the photographs of the vehicle furnished by the petitioner indicates that the vehicle is parked nearby Regional Transport Office, Ooty and it carries registration No. TN 39 AE 9892 and not TN 76/7449. This is contrary to the communication of the Motor Vehicle Inspector, which has led to impounding the petitioner's vehicle.

7. The respondent/ Regional Transport Officer appears to have not considered the glaring mistake found on the number plate of the vehicle and so far not considered the representation given by the petitioner. However it also appears from the para wise commend given by the Regional Transport

Officer in the writ petition, that they have informed the local police about the duplication of permit and plying of vehicle with false number plate, but the local police has not proceeded further except taking custody of the vehicle and keeping it.

8. Hence, the respondent is hereby directed to call for the documents in possession of the petitioner herein to show the ownership and enquire the matter whether there was any error committed by the petitioner and after being satisfied, he is directed to pass order as per law within two weeks from the date of receipt of explanation and documents from the petitioner herein.

9. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpl

To

The Regional Transport Officer,
Udhagamandalam, Chennai

+lcc to Mr.A.Thiyagarajan, Advocate, S.R.No.70534

+lcc to the Government Pleader, S.R.No.70834

W.P.No.22799 of 2019

GP(CO)
CS/18/09/2019

सत्यमेव जयते

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