



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 35039 of 2019

V.Vijayakirthiga

... Petitioner

Vs.

1. The Regional Transport Authority,  
Coimbatore Region -South,  
Collectorate, Coimbatore.

2. The Regional Transport Officer,  
Coimbatore Region- South,  
Coimbatore.

3. The Motor Vehicle Inspector Grade -I,  
O/o The Regional Transport Office,  
Sulur, Coimbatore South,  
Coimbatore.

4. The Inspector of Police,  
Sulur Police Station,  
Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Respondents herein to release the Petitioner's mini Bus to ply on the route Ondipudur to Ravuthur covered by vehicle bearing Registration No. TN-67-F-0414, which was kept in 4th Respondent station.

For Petitioner : Mr. M. Mathiyalagan

For Respondents: Mr. M. Karthikeyan,  
Additional Government Pleader

O R D E R

Heard Mr. M. Mathiyalagam, Learned Counsel for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. It has been noticed by the Third Respondent, viz., Motor Vehicle Inspector Grade-I, while checking the mini bus bearing registration no. TN-67-F-0414 belonging to the



Petitioner at 6.00 p.m. on 29.10.2019 that certain irregularities had been committed in complying with conditions of the permit, such as, plying in an unauthorized route and non-production of vehicular records etc., and the vehicle had been seized on that day.

3. The First Respondent by order 04.12.2019 considered the explanation of the Petitioner that the EB Transformers and open drainage were blocking the passage in the authorized route and found the same to be an after-thought and imposed a fine of Rs. 3,000/- on the Petitioner and directed the release of the vehicle on payment of the fine amount with a condition that the vehicle should not ply on unapproved route. It is informed by the Learned Counsel for the Petitioner that the Petitioner has preferred an appeal in Appeal No. 197 of 2019 before the State Transport Appellate Tribunal, Chennai under Section 89(1) of the Motor Vehicles Act, 1988, against the aforesaid order which is pending. In that backdrop, the Petitioner has filed this Writ Petition to release the vehicle.

4. Having regard to the aforesaid submissions made, the Petitioner shall remit the fine amount of Rs. 3,000/- imposed by the First Respondent without prejudice to her conditions in the Appeal No. 197 of 2019 before the State Transport Appellate Tribunal, Chennai and shall execute an undertaking on the following terms:-

- (i) that the vehicle shall be plied only on the authorized route;
- (ii) if there is any obstruction in the authorized route for plying vehicle, prior permission shall be obtained from the concerned authority with specific particulars of the changes in the route permitted; and
- (iii) that all the vehicular records shall be produced as and when required and the vehicle shall not be alienated without prior permission of the concerned authority.

On complying with the aforesaid conditions, the Respondents shall immediately release the vehicle of the Petitioner under written acknowledgment.

5. The Writ Petition is disposed on the aforesaid terms. No costs.

s/d-  
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

jrs/vjt



To

1. The Regional Transport Authority,  
Coimbatore Region -South,  
Collectorate, Coimbatore.
2. The Regional Transport Officer,  
Coimbatore Region- South,  
Coimbatore.
3. The Motor Vehicle Inspector Grade -I,  
O/o The Regional Transport Office,  
Sulur, Coimbatore South,  
Coimbatore.
4. The Inspector of Police,  
Sulur Police Station,  
Coimbatore.

+1 CC to Mr. Padmanabhan, Advocate sr 105173.

W.P. No. 35039 of 2019

MG(CO)  
SP(13/01/2020)