



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.05.2019

Coram

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

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Writ Petition (MD)No.11582 of 2019

Judha Gandhi

. . .Petitioner

-Vs-

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

. . . Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to release the petitioner's Maxi Cab bearing registration No.TN 12-J-7619 forthwith.

For Petitioner	: Mr.A.C.Asaithambi
For Respondents	: Mr.V.Anand
	Government Advocate

ORDER

The petitioner seeks for a writ of mandamus directing the respondent to release the petitioner's Maxi Cab bearing registration No.TN 12-J-7619 forthwith.

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

3. On the other hand, it is submitted by the learned Government Advocate appearing for the respondent that the vehicle was seized as the same was plied without valid permits, including registration certificate books and transport permits.

4. In any event, as the vehicle is under the custody of the respondent having been seized on 27.04.2019 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, this Court is inclined to release the vehicle and 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 under whose custody the vehicle is kept, to establish the ownership of the vehicle in question;
- (ii) The petitioner shall deposit a sum of Rs.7,000/- (Rupees seven thousand only) for the vehicle before the respondent herein;
- (iii) The petitioner shall give an undertaking affidavit offering to extend full co-operation for the enquiry that may be initiated by the respondent till the conclusion of the enquiry;
- (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.
- (viii) The petitioner shall not also violate the permit conditions in future."

6. The writ petition is ordered accordingly. No costs.

Sd/-

Vacation Officer

/ True Copy /

Sub Assistant Registrar (CS-IV)

To

The Regional Transport Officer,
Marthandam, Kanyakumari District.

+1 CC to M/s.A.C.ASAITHAMBI, Advocate
(SR-65324[F] dated 08/05/2019)

+1 CC to M/s.SPL GP (SR-65586[F] dated 09/05/2019)

W.P. (md) .No.11582 of 2019
08.05.2019