



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.05.2019

Coram

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

WEB COPY

Writ Petition (MD)No.11787 of 2019

K.Balamurugan

. . . Petitioner

-Vs-

1.The Regional Transport Officer,
Srirangam,
Trichy District.

2.The Motor Vehicle Inspector Grade-I
Unit Office,
Musiri,
Trichy District.

3.The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.

. . . Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to release the petitioner's Mini Bus bearing registration No.TN 33-N 0238 forthwith.

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

ORDER

The writ petition has been filed for issuance of writ of mandamus directing the respondents to release the petitioner's Mini Bus bearing registration No.TN 33-N 0238 forthwith.

2.By consent of the parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the petitioner would submit that the very same issue was already decided by this Court in W.P.(MD). No.5385 of 2018, dated 14.03.2018, in which, this court imposed certain conditions and released the vehicle. Hence, he prayed that the same order may be passed in this writ petition also.



4.The learned Government Advocate appearing for the State did not dispute the above facts.

5.The petitioner is a mini-bus operator and his mini-bus was seized by the respondents on the ground that it was plying on an unauthorized route.

6.The learned counsel appearing for the writ petitioner submits that he will abide by the action to be taken by the respondent and that he would also co-operate for the enquiry. He would further submit that the bus need not be detained for the said act.

7.This Court is of the view that no useful purpose will be served by keeping the vehicle in custody. Therefore, the first respondent is directed to return the mini bus to the petitioner with the following conditions:

i)The petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) for the vehicle before the first 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;

iii)He shall strictly abide all the permit conditions in future;

iv)he shall co-operate fully in the proceedings to be initiated by the respondent authority for having violated the permit conditions earlier;

v)He shall not alienate the vehicle, during the pendency of the enquiry;

8.The respondent shall verify the petitioner's ownership over the vehicle in question and after satisfying himself, release the vehicle back to the petitioner.

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

Sd/-

Vacation Officer

/ True Copy /

Sub Assistant Registrar (CS-IV)

To

1.The Regional Transport Officer,

Srirangam,

<https://hcservices.ecourts.gov.in/hcservices/>

Trichy District.



2.The Motor Vehicle Inspector Grade-I
Unit Office,
Musiri,
Trichy District.

3.The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.

+1 CC to M/s.A.C.ASAITHAMBI, Advocate
(SR-65325[F] dated 08/05/2019)

+1 CC to M/s.SPL GP (SR-65585[F] dated 09/05/2019)

W.P. (md) .No.11787 of 2019

ES/09.05.2019/3P/6C