



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.05.2019

Coram

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Writ Petition (MD)No.12195 of 2019

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M.Rengaraj

... Petitioner

-Vs-

1. The Regional Transport Officer,
Tenkasi,
Tirunelveli District.

2. The Inspector of Police,
Tenkasi Police Station,
Tenkasi,
Tirunelveli 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 Stage Carriage bearing Registration No.TN-57-H-8066, forthwith.

For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking issuance of Writ of Mandamus, directing the respondents to release the petitioner's Stage Carriage bearing Registration No.TN-57-H-8066, forthwith.

2.Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader takes notice for the respondents. By consent of both 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 Additional Government Pleader appearing for the respondents did not dispute the above facts.

5.The petitioner submits that he is the owner of bus bearing Registration No.TN-57-H 8066 and he has been given stage carriage permit in respect of the said bus. The said bus was seized by the



second respondent on the ground that it was involved in the accident. It is contended by the respondents that there are five legal heirs, except one person, others have given no objection certificate in favour of the petitioner, for operating the said stage carriage and the petitioner is operating the said vehicle.

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6. The learned counsel appearing for the petitioner submitted that the petitioner will abide by the action to be taken by the respondents and that he would also co-operate for the enquiry. The learned counsel further submitted that the vehicle need not be detained for the said act.

7. This Court is of the view that no useful purpose will be served in keeping the vehicle in custody. Therefore, the first respondent is directed to return the Stage Carriage 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;

(ii) The petitioner shall give an undertaking affidavit offering to extend full co-operation for the enquiry that may be initiated by the respondents, till the conclusion of the enquiry;

(iii) The petitioner shall strictly abide all the permit conditions in future;

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

(v) The petitioner shall not alienate the vehicle, during the pendency of the enquiry.

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

This Writ Petition is disposed of accordingly. No costs.

sd/
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The Regional Transport Officer,
Tenkasi,
Tirunelveli District.

2. The Inspector of Police,
Tenkasi Police Station,
Tenkasi,
Tirunelveli District.



+1 CC to Mr.A.C.ASAITHAMBI, Advocate (SR-65808[F] dated 15/05/2019)

+1 CC to SPL GP (SR-65956[F] dated 16/05/2019)

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