



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.06.2019
CORAM:

THE HON'BLE DR.JUSTICE ANITA SUMANTH

WEB COPY

W.P. (MD) No.13265 of 2019

A.Delvin Xavier

.. Petitioner

Vs.

1.Regional Transport Officer,
Marthandam,
Mulagumoodu Post,
Kanyakumari District.

2.Inspector of Police,
Kollencode Police Station,
Kanyakumari District.

.. Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to forthwith release the MAXI CAB bearing Reg.No.TN 29 AC 5150, seized on 27.05.2019.

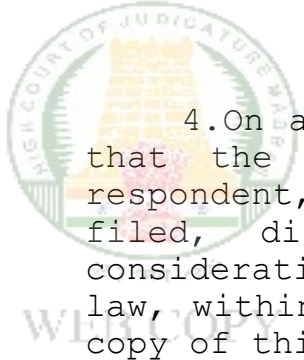
For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.A.Thiyagarajan
Government Advocate

O R D E R

The short point raised in the writ petition is that the Maxi Cab run by the petitioner bearing Registration No.TN 29 AC 5150 in pursuance of legitimate business considerations was seized by the first respondent illegally on 27.05.2019. The petitioner thus seeks a Mandamus, directing the respondents to release the Maxi Cab, as according to him, there is no violation in the running of the vehicle.

2.Mr.A.Thiyagarajan, learned Government Advocate, appearing for both the respondents on the other hand, alleges that the petitioner was carrying 15 person as against the permitted number of 13 persons in the Maxi Cab, contrary to applicable Rules and Regulations. This is the sole basis on which the vehicle has been seized.

3.A representation has been filed on 29.05.2019 before the first respondent, seeking release of the vehicle, but no action has been taken in this regard, till date. Hence the present writ petition. The petitioner urges this Court to direct release as sought for, since in the alternative, he would be deprived of his livelihood and the vehicle would also deteriorate, without proper care or maintenance.



4. On a consideration of the submissions made, I am of the view that the interests of justice would be served if the first respondent, before whom representation dated 29.05.2019 has been filed, disposes the same after hearing the petitioner and consideration of all documents submitted by him, in accordance with law, within a period of one [1] week from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of, in the aforesaid terms. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Regional Transport Officer,
Marthandam,
Mulagumoodu Post,
Kanyakumari District.

2. The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.

+1. C.C. to M/S. Advocate SR.No. 68598

+1. C.C. to Special Government Pleader SR.No. 68777

W.P (MD) No. 13265 of 2019
13.06.2019

JM/14.06.2019/2P-5C