



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.15223 of 2019

S.Subathra Chandra

...Petitioner

-Vs-

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

...Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent to release the petitioner's Mini Bus bearing Registration TN 74 Y 2400 forthwith.

For Petitioner	: Mr.A.C.Asaithambi
For Respondent	: Mr.R.Murugan
	Additional Government Pleader

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondent to release the petitioner's Mini Bus bearing Registration TN 74 Y 2400 forthwith.

2.Heard Mr.A.C.Asaithambi, learned counsel for the petitioner and Mr.R.Murugan, learned Additional Government Pleader appearing for the respondent.

3.The learned counsel for the petitioner would submit that the vehicle in question of the petitioner has been impounded for the alleged violation of the permit condition. He further submits that for any such alleged violation, if at all, the respondent only to take action to cancel the permit under the provision of the Motor Vehicle Act. However, the vehicle cannot be impounded and kept in custody and by exposing it to sun light, the value of the vehicle in question would be reduced. In similar circumstances, this Court has passed an order in W.P(MD).No.5385 of 2018 dated 14.03.2018 in the matter of M.Amutha Valarmathi Vs., The Regional Transport Officer, which reads thus:-

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

5.This Court is of the view that keeping the bus in open space by exposing it to sunlight would reduce the value of the bus.



Therefore, the respondent is directed to return the mini bus to the petitioner on condition that the writ petitioner executes an affidavit of undertaking to the following effect:-

(i) She shall strictly abide all the permit conditions in future.

(ii) She shall co-operate fully in the proceedings to be initiated by the respondent authority for having violated the permit conditions earlier.

(iii) She shall not alienate the vehicle during the pendency of the enquiry.

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

7. The writ petition is allowed accordingly. No costs."

4. Relying upon the said decision, the learned counsel for the petitioner seeks indulgence of this Court that the similar order may be passed in this writ petition also.

5. I have heard Mr. R. Murugan, learned Additional Government Pleader appearing for the respondent, who would submit that, as per order of this Court, as referred above, the vehicle in question of the petitioner can also to be released by imposing the same conditions, which are imposed in that writ petition.

6. Recording the said stand taken by the learned Additional Government Pleader, with the consent of both parties, this Court is inclined to dispose of this writ petition at the admission stage itself, with the following directions:-

"(i) that the respondent is hereby directed to return the mini bus to the petitioner on condition that the writ petitioner executes an affidavit of undertaking to the following effect:-

(a) She shall strictly abide all the permit conditions in future.

(b) She shall co-operate fully in the proceedings to be initiated by the respondent authority for having violated the permit conditions earlier.

(c) She shall not alienate the vehicle during the pendency of the enquiry.

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

No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //



To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+One cc to Mr.A.C.Asaithambi, Advocate, SR.No.73629

+One cc to The Special Government Pleader, SR.No.73913

Order made in
W.P. (MD) No.15223 of 2019
05.07.2019

rmk
RL/18.07.2019/3P/4C