



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6439 of 2019

Tmt.Y.Daffini Shanio

... Petitioner

-vs-

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to release petitioner Vehicle Mini Bus in bearing Registration No. TN 29 N-0255 within the time stipulated by this Court.

For Petitioner : Mr.S.Micheal Heldon Kumar

For Respondents : Mr.N.Shanmugaselvam,
Additional Government Pleader.

O R D E R

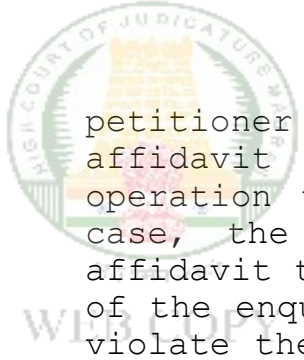
The instant Writ Petition has been filed for a Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Mini Bus bearing Registration No. TN 29 N-0255, within a time stipulated by this Court.

2. It is the case of the petitioner that she has obtained proper permit from the respondent for plying the Mini Bus bearing Registration No. TN 29 N-0255 in the route from Vazhathottam to Marthandam via., Nattalam Puliamoodu Road Junction turning, Karavilai, Nattalam Puliamoodu Junction, Nattalam Kovilvattam, Ezhathuvilai Road, Nattalam Edavilagam, Mamoottukadai Kattachivilai, Viricode CSI Church road turning, Viricode junction.

3. According to the petitioner, the inspecting officer, seized the vehicle of the petitioner for deviating the route and for collection of high fare from passengers on 11.03.2019. Thereafter, the petitioner has given a representation to the respondent requesting them to release the Mini Bus, subject to any legal action that may be initiated by them against her for deviation of route. Since there was no response to the request made by the petitioner, the petitioner has approached this Court under Article 226 of the Constitution of India, seeking for a Writ of Mandamus.

4. Heard Mr.S.Micheal Heldon Kumar, learned Counsel for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader for the respondent.

5. The learned Counsel for the petitioner drew the attention of this Court to an order dated 14.06.2018, passed by the learned Single Judge of this Court in W.P.[MD]No.12661 of 2018, wherein in a similar case, this Court directed the release of the vehicle to the



petitioner on condition that the petitioner gives an undertaking affidavit before the respondent, offering to extend full co-operation with the enquiry initiated by the respondent. In that case, the petitioner was also directed to give an undertaking affidavit that he shall not alienate the vehicle till the conclusion of the enquiry and shall also give an undertaking that he shall not violate the permit conditions in future. This Court, in the earlier order dated 14.06.2018, passed in W.P.[MD]No.12661 of 2018 also observed that in case, the petitioner violates the permit conditions, it would be open to the respondent to seize the vehicle.

6.This Court is in agreement with the order passed by the learned Single Judge of this Court in an earlier Writ Petition on a similar issue. Accordingly, the respondent is directed to return the Mini Bus bearing Registration No.TN 29 N 0255 to the petitioner on condition that the petitioner submits an undertaking affidavit to the respondent offering to extend full co-operation with the enquiry that may be initiated by the respondent. The petitioner shall also give an undertaking that she shall not alienate the vehicle till the conclusion of the enquiry. The petitioner shall also undertake not to violate the permit conditions in future. If the permit conditions are once again violated, it would be open to the respondent to seize the vehicle. It is also made clear that as and when any legal action is initiated by the respondent against the petitioner, final orders shall be passed within a period of two months from the date of initiation of such enquiry.

7.With the aforesaid directions, the **Writ Petition is allowed.**
No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1cc to Mr.S.Micheal Heldon Kumar, Advocate, SR.No.54924

Order made in
W.P. (MD) .No.6439 of 2019

SP/20.03.2019/ 2P/3C