

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.04.2019

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**W.P. (MD) .No.8666 of 2019**

S.Satheesh Kumar

... Petitioner

-vs-

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to release the petitioner's Maxi Cab bearing Registration No.TN-74X-8388 forthwith.

For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader

O R D E R

The instant writ has been filed for a Mandamus to direct the respondent to release the petitioner's Maxi Cab vehicle bearing Registration No.TN-74X-8388 forthwith.

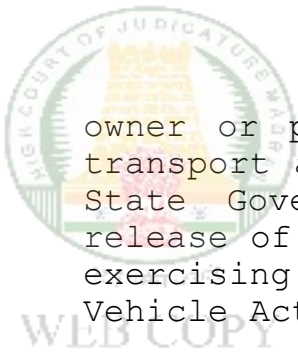
2. It is the case of the petitioner that he has a valid permit for running his Maxi Cab bearing Registration No.TN-74X-8388. According to the petitioner, he has not violated any of the permit conditions. But, it is his case that the respondent without any basis has seized the vehicle from him on 05.04.2019. Therefore, he made a representation on 05.04.2019 to the respondent seeking for release of his vehicle. According to the petitioner, till date the respondent has not considered his request.

3. According to the respondent, the petitioner has violated the permit condition by plying the said vehicle as a stage carriage, by collecting individual fare from passengers. Therefore, the respondent has got power to seize the vehicle from the petitioner and initiate action against him for cancellation or suspension of the petitioner's permit.

4. Heard Mr.A.C.Asaithambi, learned counsel appearing for the petitioner and Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondent.

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5. As per Section 207(2) of the Motor Vehicle Act, 1988, the



owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle which was detained by the transport authority exercising the power available under Section 207(1) of the Motor Vehicle Act, 1988.

6. In the instant case, the respondent has detained the vehicle under Section 207(1) of the Motor Vehicle Act, 1988. The petitioner has given a representation on 05.04.2019 seeking for the release of the vehicle and it is his case that he has not violated any of the permit conditions. After detaining the vehicle, till date no further action has been taken as per the provisions of the Motor Vehicle Act, 1988 or its rules, against the petitioner by the respondent. The vehicle was detained on 05.04.2019 and already more than five days has elapsed, since its detention. No useful purpose will be served in continuing to keep the said vehicle idle under the custody of the respondent and the vehicle would also lose its value by exposure to the open area. Even though, the representation was given by the petitioner as early as on 05.04.2019, till date the respondent has not considered his representation for release of the vehicle.

7. Therefore, there is merit in the writ petition filed by the petitioner. Further, the relief sought for in this writ petition even if granted, would be an innocuous order.

8. For the foregoing reasons, this Court directs the respondent to consider the representation dated 05.04.2019 given by the petitioner for release of his Maxi Cab vehicle bearing registration No. TN-74X-8388 and pass orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this **Writ Petition is Disposed of**. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS III)

To

The Regional Transport Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Marthandam,
Kanyakumari District.



+1cc to Mr.A.C.Asaithambi, Advocate, SR.No. 60151
+1cc to M/s.Special Government Pleader,SR.No.60567

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Order made in
W.P. (MD) .No.8666 of 2019

STS

KK/SAR/11.04.2019/ 3P- 4C

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