



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.8729 of 2019

G.Sundar Raj

... Petitioner

/Vs./

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the petitioner's Mini Bus bearing Registration No. TN 74 Y 1695 and TN 63E 4140 forthwith.

For Petitioner : Mr.A.C.Asaithambi

For Respondent : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

The instant writ petition has been filed for a Writ of Mandamus, seeking for a direction to the respondent to release the petitioner's Mini Buses bearing Registration No. TN 74 Y 1695 and TN 63E 4140.

2. Heard Mr.A.C.Asaithambi, learned counsel appearing for the petitioner and M.Jeyakumar, learned Additional Public Prosecutor appearing for the respondent.

3. It is the case of the petitioner that the aforesaid buses were seized by the respondent for alleged permit violations committed by the petitioner on 05.04.2019 and 06.04.2019 respectively.

4. According to the petitioner, he has not committed any permit violations, but, the respondent has seized the vehicles based on false complaints given by the Tamil Nadu State Transport Corporation. According to the petitioner, immediately after the seizure of the vehicles, he gave a representation on 08.04.2019 to the respondent seeking for release of vehicles.

5. Today, the learned counsel appearing for the petitioner submitted before this Court that subsequent to the filing of the writ petition, one of the Mini Buses namely the Mini Bus bearing Registration No. TN63-E-4140 was returned to the petitioner, whereas the other Mini Bus namely TN74-Y-1695 has not been released to the petitioner.

6. The learned counsel appearing for the petitioner has also placed before this Court the order passed by this Court in W.P. (MD)

No.5385 of 2018 dated 14.03.2018 in an identical matter, wherein this Court directed the respondent to return the vehicle to its owner by imposing certain conditions.

7. The learned counsel appearing for the petitioner, on instructions submits that the petitioner is also willing to abide by the same conditions for return of vehicle.

8. The learned Additional Government Pleader appearing for the respondent has also not raised any serious objection for grant of a similar order to the petitioner.

9. Accordingly, the respondent is directed to return the Mini Bus bearing Registration No.TN-74-Y-1695 to the petitioner subject to the petitioner executing an affidavit of undertaking in the following manner:

(a) He shall strictly abide by all the permit conditions in future;

(b) He shall co-operate fully in the proceedings to be initiated by the respondent authority for violating the permit conditions;

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

10. On complying with the aforesaid undertaking given in the form of an affidavit, the respondent shall return the vehicle namely Mini Bus bearing Registration No.TN74-Y-1695 to the petitioner, within a period of one week thereafter.

11. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Co)

// True Copy //

Sub Assistant Registrar(CS)

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1cc to Mr.A.C.Asaitambi, Advocate, SR.No.61614

+1cc to Special Government Pleader, SR.No.61769

Order made in
W.P. (MD) No.8729 of 2019
(1/2)