

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

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**W.P. (MD) .No.9294 of 2019****and****W.M.P. (MD) .No.7303 of 2019**

S.Subash

... Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to release the Maxi Cab Van bearing registration No.TN 05 X 7639 seized on 22/03/2019 which is in the custody of the respondent by considering the representation of the petitioner dated 26/03/2019 and the remainder representation dated 09/04/2019.

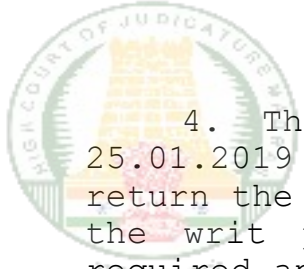
For Petitioner	: Mr.S.C.Herold Singh
For Respondent	: Mrs.V.P.M.Vaishnavi, Government Advocate

O R D E R

The instant writ petition has been filed for a Mandamus to direct the respondent to release the Maxi Cab Van bearing registration No.TN 05 X 7639 of the petitioner.

2. The aforesaid Maxi Cab Van, bearing Reg.No.TN 05 X 7639, belonging to the petitioner was seized by the respondent on 22.03.2019 for permit violation. According to the respondent, the vehicle was carrying excess passengers and did not possess valid documents. Even though, the said Maxi Cab Van was seized on 22.03.2019, even after a lapse of more than 20 days, till date no legal action has been initiated as per the provisions of the Motor Vehicles Act, 1988.

3. It is the case of the petitioner that the vehicle was used by the petitioner as a means of his business for his livelihood. The vehicle cannot be kept indefinitely with the respondent without any basis. Learned counsel for the petitioner on instructions submits that the petitioner is willing to give any undertaking required by the respondent for the production of the vehicle as and when it is demanded by them.



4. This Court in an identical matter by its order dated 25.01.2019 in W.P(MD) No.1144 of 2019 directed the respondent to return the bus of the petitioner therein forthwith on condition that the writ petitioner therein shall produce the bus as and when required and also co-operate in the enquiry that may be conducted by the competent authority. This Court is also inclined to grant a similar order in favour of the petitioner. Accordingly, the respondent is directed to release the Maxi Cab Van bearing Reg No.TN 05 X 7639 to the petitioner on receipt of an undertaking from the petitioner that he shall not alienate / encumber the vehicle and shall cooperate with the enquiry proceedings as and when it is initiated by the respondent. With the aforesaid directions, the **Writ Petition is disposed of**. No costs. Consequently, connected W.M.P. (MD).No.7303 of 2019 is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1cc to Mr.S.C.Herold Singh, Advocate, SR.No.61330

+1cc to Special Government Pleader, SR.No.61625

Order made in
W.P. (MD) .No.9294 of 2019
16.04.2019

SP/23.04.2019/2P/4C