



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

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WEB COPY

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) No.14428 of 2019

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 praying for the issuance of writ of Mandamus, to direct the respondents to release my vehicle Mini Bus in bearing registration No.TN-29-N-0255 within the time stipulated by this Court.

For Petitioner : Mr.J.Bebin Jose

ORDER

Upon hearing the detailed submissions of the learned counsel for the petitioner and the learned Government Advocate for the respondent and by consent of both parties, the following order is passed,

2. A mandamus is sought seeking direction to the respondent to release the petitioner's Mini Bus bearing Registration No. TN-29-N-0255.

3. The learned Government Advocate states that proceedings are ongoing in regard to the violations that the petitioner is alleged to have committed in connection with plying of the vehicle, whereas the learned counsel for the petitioner denies that any violation have been committed at all. In any event, he undertakes that he would abide by any condition imposed by the Court on return of the vehicle. No serious objection is expressed by the learned Government Advocate for grant of order of release, conditionally.

4. Accordingly, the respondent is directed to return the Mini Bus bearing Registration No. TN-29-N-0255 to the petitioner subject to the petitioner executing an affidavit of undertaking that is specifically the following:-

(a) He shall strictly abide by all the permit conditions in future;
<https://hcservices.ecourts.gov.in/hcservices/>

(b) He shall co-operate fully in the proceedings initiated / 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.

5. On complying with the aforesaid undertakings given in the form of affidavit, the respondent shall return the vehicle, namely Mini Bus bearing Registration No.TN-29-N-0255 to the petitioner, within a period of one week thereafter.

6. 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.

+1 CC to M/s.J.BIBIN JOSE, Advocate (SR-74983[F] dated 12/07/2019)

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