



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) Nos.15008 and 15009 of 2019

M/s.Leeya Travels
Represented by its Proprietor,
Sushil Adam Seelan

... Petitioner
(In W.P (MD) No.15008/19)

Anandan

... Petitioner
(In W.P (MD) No.15009/19)

Vs.

1.The Regional Transport Officer,
O/o.Regional Transport Office
Unit Office, Lalgudi,
Tiruchirappalli.

2.The Motor Vehicle Inspector,
Grade-I, Unit Office,
O/o.Regional Transport Office,
Lalgudi,
Tiruchirappalli.

3.The Inspector of Police,
Samayapuram Police Station,
Samayapuram,
Tiruchirappalli.

... Respondents
(In both writ petitions)

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents herein to release the Omni Buses of the petitioners to ply on all roads of entire Tamilnadu, conveyed by vehicle bearing Registration No. AR 01 F 8291 and AR 01 T 5559 which were kept in the third respondent office.

In both writ petitions:

For Petitioners :Mr.T.Padmanabhan

For Respondents :Mr.R.Murugan



COMMON ORDER

Heard Mr.T.Padmanabhan, learned counsel appearing for the petitioners. By consent of both learned counsels, the writ petitions are taken up for final disposal at the stage of admission itself.

2.The petitioners have sought a mandamus directing the respondents to release their Omni Buses plying in the entire State and bearing Registration Nos. AR 01 F 8291 and AR 01 T 5559 (in short 'vehicles in question') which are presently in the custody of the third respondent, the Inspector of Police. Samayapuram Police Station, Tiruchirappalli.

3. The second respondent, the Motor Vehicles Inspector had seized the vehicles on 12.01.2019 alleging various discrepancies in regard to the documentation maintained including that the drivers had not produced valid license. The vehicles were seized and are presently in the custody of the third respondent. According to the petitioner, they were unable to explain their position at that juncture since they had been ill. But a detailed representation dated 18.06.2019 had been forwarded by the petitioners in regard to the seizure of vehicles and check report dated 12.01.2019.

4. Learned counsel for the petitioners challenges the action of seizure of the vehicles on the ground that Section 86 of the Motor Vehicles Act (in short 'Act') provides only for the suspension/cancellation of the permit, extending an option to the permit holder to compound the offences. The exercise of power to seize is stated to be arbitrary in the present case, without even considering the request for compounding of the offences.

5. Per contra, Mr.Murugan, learned Additional Government Pleader submits that upon seizure/detention of the vehicles, the owners have to submit applications under Section 207(2) of the Act and it is only after verification of all required documents and completion of necessary formalities, that the vehicles can be ordered to be released.

6. Learned counsel for the petitioners at this juncture states that the petitioners will file an application in terms of Section 207(2) of the Act before the authority concerned along with Affidavits of Undertaking to the effect that they will not alienate the vehicles in question, will pay necessary charges for the release and produce the vehicles in question for inspection as and when required before the authorities.

7. Recording the same, the respondents are directed to release the vehicles in question on the following conditions:

<https://hcservices.courts.gov.in/hcservices/>
i) The petitioners shall remit all tax dues and fees payable by them in respect of vehicles in question upto date.

ii) The petitioners shall execute Affidavits of Undertaking to



the effect that they will produce the vehicles as and when required and will co-operate in the enquiry as and when required.

8. The vehicles in question shall be released within a period of three days from date of compliance of the aforesaid direction.

9. These writ petitions are disposed of in the above terms. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To,

1. The Regional Transport Officer,
O/o. Regional Transport Office
Unit Office, Lalgudi,
Tiruchirappalli.

2. The Motor Vehicle Inspector,
Grade-I, Unit Office,
O/o. Regional Transport Office,
Lalgudi,
Tiruchirappalli.

3. The Inspector of Police,
Samayapuram Police Station,
Samayapuram,
Tiruchirappalli.

+2 CC to M/s. T. PADMANABHAN, Advocate, SR-77537 & 77538

+1 CC to M/s. SPL GP (SR-77966[F] dated 26/07/2019)

W.P (MD) Nos. 15008 and 15009 of 2019
25.07.2019

CM

JMN(22.08.2019) 3P : 7C