



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM

WEB COPY

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.15079 of 2019

Selvin Soundher Raj

... 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 respondent to release the Mini Bus to the petitioner, seized by the respondent on 24.06.2019, bearing Registration No.TN-57-N-0223 from the custody of the respondent without any further delay.

For Petitioner : Mr.R.Russel Raj
For Respondent : Mr.R.Murugan
Additional Government Pleader

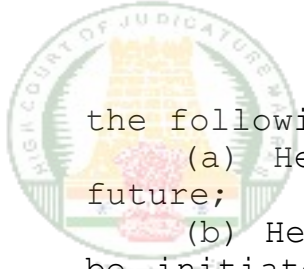
ORDER

Upon hearing the detailed submissions of the learned counsel for the petitioner and the learned Additional Government Pleader 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 petitioners' Mini Bus bearing Registration No.TN-57-N-0223.

3. The learned Additional Government Pleader states that proceedings are on going 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 for return of the vehicle. No serious objection is expressed by the learned Additional Government Pleader for grant of order of release, conditionally.

4. Accordingly, the respondent is directed to release the Mini Bus bearing Registration No.TN-57-N-0223 to the petitioner subject to the petitioner executing an affidavit undertaking specifically



the following:-

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

(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 sworn Undertakings, the respondent shall release and return the vehicle, namely Mini Bus bearing Registration No.TN-57-N-0223 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.

W.P(MD)No.15079 of 2019

SM

KK/SAR/17.07.2019/2P-2C