



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.17852 of 2019

M/s.Parveen Travels Pvt., Ltd
Rep. By its Managing Director
No.288 Maraimalai Adigal Salai
Muthamizh Nagar
Puducherry

... Petitioner

Vs.

The Regional Transport Office,
Tiruchirappalli (East)

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent herein to forthwith release the petitioner's contract carriage vehicle bearing registration No.PY-01/CT-1099 impounded and kept in the custody of the respondent herein on such terms and conditions.

For Petitioner	: Mr.A.C.Asaithambi
For Respondents	: Ms.J.Padmavathi Devi Special Government Pleader

ORDER

The prayer in the writ petition is for issuance of a writ of Mandamus to direct the respondent herein to forthwith release the petitioner's contract carriage vehicle bearing registration No.PY-01/CT-1099 impounded and kept in the custody of the respondent herein on such terms and conditions.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

3. The petitioner's vehicle is a contract carriage vehicle, which has been seized by the respondent for alleged violation of the permit conditions. In this regard, it is the submission of the learned counsel for the petitioner that, if at all any alleged violation of permit conditions by the petitioner, action as per law has to be taken by the respondent to proceed against the petitioner in accordance with law and in this regard, the vehicle in question cannot be seized and kept idle exposed to the Sun and day light, which are no way useful to both the respondent as well as the



petitioner and such power has also has not been vested with the respondent.

4. In this regard, the learned counsel for the petitioner has relied upon my order passed in similar circumstances in W.P. (MD) No.15223 of 2019 dated 05.07.2019, where, the learned counsel for the petitioner relied upon the following passages of my order:

"4.Relying upon the said decision, the learned counsel for the petitioner seeks indulgence of this Court that the similar order may be passed in this writ petition also.

5.I have heard Mr.R.Murugan, learned Additional Government Pleader appearing for the respondent, who would submit that, as per order of this Court, as referred above, the vehicle in question of the petitioner can also to be released by imposing the same conditions, which are imposed in that writ petition.

6. Recording the said stand taken by the learned Additional Government Pleader, with the consent of both parties, this Court is inclined to dispose of this writ petition at the admission stage itself, with the following directions:

(i) that the respondent is hereby directed to return the mini bus to the petitioner on condition that the writ petitioner execute an affidavit of undertaking to the following effect:

(a) She shall strictly abide all the permit conditions in future.

(b) She shall co-operate fully in the proceedings to be initiated by the respondent authority for having violated the permit conditions earlier;

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

(ii) the respondent shall verify the petitioner's ownership over the vehicle in question and after satisfying himself, release the vehicle back to the petitioner."

5. However, the learned Special Government Pleader would submit that, since there has been a violation of permit conditions, certain action has to be taken against the petitioner. Therefore, seizing of the vehicle and impounding the same is one or part of such action against the petitioner. Therefore, it cannot be said that, the respondent does not have any such power to seize the vehicle of the petitioner. Therefore, the learned Special Government Pleader strongly oppose to the release of the vehicle on any condition, as has been sought for by the petitioner.



6. I have considered the said submissions.

7. Since in similar circumstances orders have been passed by this Court, which I have followed in the aforesaid order, referred to above, I am inclined to pass the following order in this writ petition, at the admission stage itself, with the consent of both the parties:

"That the respondent is hereby directed to return the contract carriage bus to the petitioner on condition that,

(i) the writ petitioner execute an affidavit of undertaking to the following effect:

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

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

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

(ii) the respondent shall verify the petitioner's ownership over the vehicle in question and after satisfying himself, release the vehicle back to the petitioner."

8. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

RR

To
The Regional Transport Office,
Tiruchirappalli (East)

+1CC TO MR.A.C.ASAITHAMBI, Advocate Sr. No. 81688

W.P. (MD) No.17852 of 2019

14.08.2019

DB(CO)

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