



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.09.2019

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THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD) No.19481 of 2019

A.Karunakaran

... Petitioner

vs.

1.The District Collector/
The Regional Transport Authority,
Kanyakumari District.

2.The Regional Transport Officer,
Regional Transport Office,
Marthandam Regional,
Kolipor Villazhi,
Mulagumoodu Post,
Kanyakumari District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st and 2nd respondents to release the petitioner's minibus, bearing registration No.TN 75 C 1513 from the custody of the 2nd respondent.

For Petitioner : Mr.S.Michael Sebastin

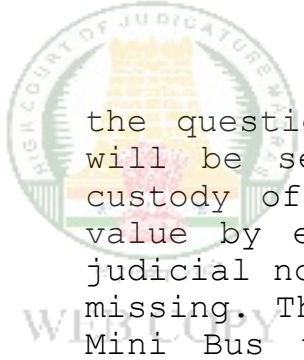
For Respondents : Mr.P.Kannithevan
Government Advocate

O R D E R

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to release his Mini Bus bearing Registration No.TN 75 C 1513 from the custody of the 2nd respondent.

2. Mrs.J.Padmavathi Devi, learned Special Government Pleader, who takes notice on behalf of the respondent, would vehemently oppose the release of Mini Bus on the ground that the petitioner has willfully violated the permit conditions.

3. The Mini Bus belonging to the petitioner was seized by the second respondent on the ground that it was plying on an unauthorized route. The act of seizure cannot be faulted. But, then



the question is whether it should be released or not. No purpose will be served in continuing to keep the said Mini Bus in the custody of the respondent, since the vehicle would only lose its value by exposure in open area. That apart, this Court can take judicial notice of the fact that the parts of such detained buses go missing. Therefore, the second respondent is directed to return the Mini Bus to the petitioner on payment of a sum of Rs.10,000/- (Rupees ten thousand only) within a period of one week from the date of receipt of a copy of this order.

4. The petitioner has to file an undertaking affidavit before the second respondent offering to extend full co-operation with the enquiry that may be initiated by the respondent. The petitioner shall not alienate the vehicle till the conclusion of the enquiry. The petitioner shall also undertake not to violate the permit conditions in future. If the permit conditions are again violated, it would be open to the respondent to seize the vehicle in that event.

5. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The District Collector/
The Regional Transport Authority,
Kanyakumari District.

2.The Regional Transport Officer,
Regional Transport Office,
Marthandam Regional,
Kolipor Villazhi,
Mulagumoodu Post,
Kanniyakumari District.

+1 CC to M/s.B.MICHEAL SEBASTIN, Advocate (SR-86270[F] dated 12/09/2019)

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