



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22632 of 2019

V.Sibil

... Petitioner

vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to release the petitioner's Maxi Cab bearing Reg.No.TN 75 C 3565.

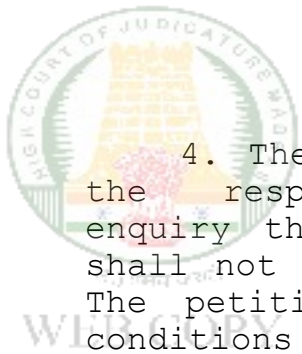
For Petitioner : Mr.A.C.Asaithambi
For Respondents : Mrs.J.Padmavathy Devi
Special Government Pleader

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 respondents to release the petitioner's Maxi Cab bearing Reg.No.TN 75 C 3565.

2.Mrs.J.Padmavathy Devi, learned Special Government Pleader, who takes notice on behalf of the respondents, would vehemently oppose the release of maxi cab on the ground that the petitioner has willfully violated the permit conditions.

3. The petitioner is the owner of a Maxi Cab bearing Regn.No. TN 75C 3565. She is using the same only as contract carriage as per the permit granted to her. According to her, it was seized by the respondent on the allegation that it was used as passenger vehicle by collecting individual fare. 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 Maxi cab 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 respondent is directed to return the maxi cab to the petitioner immediately, in any event, 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 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

vs

To:

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1 CC to M/s.A.C.ASAITHAMBI, Advocate (SR-94352[F] dated 24/10/2019)

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24.10.2019

JM/24.10.2019/2P/3C