



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.11.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.23165 of 2019

P.Jose Viju

... Petitioner

vs.

1.Regional Transport Officer,
Marthandam,
Mulagumoodu Post,
Kanyakumari District.

2.Inspector of Police,
Kollencode Police Station,
Kanyakumari District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, to direct the respondents herein to forthwith release the MAXI CAB, bearing Reg.No.KL 01 Z 7603, seized on 04.09.2019.

For Petitioner : Mr.S.Sivakumar

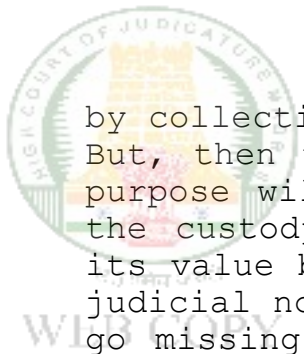
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

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.KL 01 Z 7603.

2.Mr.J.Gunaseelan Muthiah, 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 Reg.No.KL 01 Z 7603. He is using the same only as contract carriage as per the permit granted to him. According to him, 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 respondents, 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 vehicles go missing. Therefore, the first 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 first respondent offering to extend full co-operation with the enquiry that may be initiated by the respondents. 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 (CO)

// True Copy //

Sub Assistant Registrar(CS)

das

To:

1.Regional Transport Officer,
Marthandam,
Mulagumoodu Post,
Kanyakumari District.

2.Inspector of Police,
Kollencode Police Station,
Kanyakumari District.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-95985[F] dated 05/11/2019)
+1 CC to M/s.SPL GP (SR-96101[F] dated 05/11/2019)

W.P.(MD) No.23165 of 2019
04.11.2019

JMN(06.11.2019) 2P : 5C