



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No.5008 of 2016

and

W.M.P. (MD) No.4462 of 2016

A.Anil Kumar

... Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings dated 04.02.2016 and quash the same as of no legal consequence and consequently direct the respondent to return the RC Certificate, Transport Permit and also the original of the Insurance Policy relating to the vehicle bearing Registration No.KL-01-BF-7772 and also the original license of the Driver C.S.Pramod.

For Petitioner : Mr.V.Singan
For Respondent : Mr.S.Angappan,
Government Advocate.

ORDER

The impugned order makes it clear that the original Registration Certificate, copy of Insurance Certificate and Transport Permit have been seized by the respondent as early as on 04.02.2016.

2.This matter has been adjourned on five occasions for filing of counter. Mr.S.Angappan, learned Government Advocate for the respondent, however, states today that despite his best efforts, he is unable to obtain instructions and file a counter.

3.In any event, I see no reason to tarry any further as the operative portion of the impugned order renders it entirely unworkable. The Officer calls for an explanation to be filed within fourteen (14) days from the date of receipt of the same stating that if no reply was received, it would be presumed that owner was



willing to compound the case and the required fees will be collected. However, several fields in the notice, in relation to tax amount, details of the original documents, and others, have been left blank.

5. Thus the impugned / notice is procedurally irregular and cannot be sustained and the same is quashed. The original documents, admittedly collected on 04.02.2016, will be returned to the petitioner within a period of four weeks from today.

6. This Writ Petition is allowed in the aforesaid terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To
The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-76400[F] dated 19/07/2019)

W.P. (MD) No. 5008 of 2016
18.07.2019

PS (SM)
KK/SAR/29.07.2019/2P-3C