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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.11.2019
CORAM:
THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P(MD)No.23460 of 2019

S.G.Sathya Bino .. Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District. .. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's Mini Bus bearing Registration TDV 7095 which was seized on 30-10-2019 forthwith.

For Petitioner : Mr.A.C.Asaithambi
For Respondent : Mr.P.Kannithevan
Additional Government Pleader

ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondent to release the petitioner's Mini Bus bearing Registration TDV 7095, which was seized on 30-10-2019 forthwith.

2. Mr.P.Kannithevan, learned Additional 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 respondent on the ground that the Mini Bus was plying on an unauthorized route. The act of seizure cannot be faulted. But, then the question is whether the Mini Bus 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 bus go missing. Therefore, the respondent is directed to return the Mini Bus to the petitioner immediately, in any event, within a period of one week from the date of receipt of a copy of this order.

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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 (C.O)

// True Copy //

Sub Assistant Registrar(CS)

mj

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1 CC to M/s.A.C.ASAITHAMBI, Advocate SR-96639.
+1 CC to SPL GP SR-97000.

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