



WEB COPY

W.P(MD)No.22381 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.22381 of 2017

and

WMP (MD)Nos.18688 and 18689 of 2017

Maniraj

... Petitioner

Vs.

The Motor Vehicle Inspector, UR - I,
Road Transport Department,
Unit Office, Kuzhithalai,
Karur District - 629 120.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the order passed by the respondent in Na.Ka.No.5976/ku/17 dated 17.04.2017 in respect of the petitioner's three wheeler auto rickshaw bearing registration number TN 48 AU 3634 and quash the same.

For Petitioner : Mr.N.Ananthapadmanabhan

For Respondent : Mrs.J.Padmavathi Devi

Special Government Pleader

ORDER

Challenging the impugned order of the respondent dated 17.04.2017, impounding the petitioner's vehicle, this writ petition has been filed.

2.The petitioner is the owner of an auto rickshaw. He requested the respondent to conduct inspection in respect of the accident that took place on 12.03.2017. When the respondent inspected the vehicle, the documents pertaining to the vehicle as well as driving license were not submitted. As per Section 207 of the Motor Vehicles Act, 1988, when the owner or the person authorised does not produce relevant documents, police officials are entitled to detain the vehicle. As per sub Section 2 of Section 207, when a vehicle has been seized and detained, the owner or the person in-charge of the motor vehicle may apply to the transport authority or any other officer concerned with relevant documents for release of the vehicle. On production of such documents, the authority shall release the same.

3.In so far as the present case is concerned, it is submitted by the learned Special Government Pleader that at the time of

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inspection, RC book, insurance, permit and driving license were not produced. Therefore, the respondent had to hand over the vehicle to the police department for detention.

4. According to the learned counsel for the petitioner, the respondent has impounded the vehicle without giving any notice to the petitioner. The petitioner possesses all the relevant documents and ready to produce the same before the concerned authority, if liberty is given to him. In fact, he has produced RC book and Insurance policy before this Court. But, he has to produce the permit and driving license also before the authority.

5. Therefore, considering the facts and circumstances of the case, a direction is given to the petitioner to produce RC book, insurance policy, permit granted by the respondent, driving license and other relevant documents before the Regional Transport Authority, Srirangam, within a period of two weeks from today. Upon production of such documents, the Regional Transport Authority, Srirangam shall consider the same and pass appropriate orders in accordance with law, within a period of two weeks from the date of production of the documents.

6. The writ petition is disposed of with the above directions. No costs. Consequently, WMP(MD)Nos.18688 and 18689 of 2017 are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Motor Vehicle Inspector, UR - I,
Road Transport Department,
Unit Office, Kuzhithalai,
Karur District - 629 120.

+1 CC to Mr.N.ANANTHAPADMANABAN, Advocate SR-85061.
+1 CC to SPL GP SR-85326.

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