

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 3684 of 2020

M/s. KPN Travels India Limited,
261, M.M. Adikal Salai,
Puducherry.

... Petitioner

-vs-

1. The Motor Vehicle Inspector,
Grade I,
Regional Transport Office,
Tuticorin.

2. The Regional Transport Officer,
Thiruchendur.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Second Respondent to release the Petitioner's contract carriage bearing registration number PY-01-CT-9919 which was impounded by the First Respondent and kept in the custody of the Second Respondent forthwith.

For Petitioner : Mr. R. Natesan

For Respondents: Mr. G.K. Muthukumar,
Special Government Pleader

सत्यमेव जयते
O R D E R

Heard Mr. R. Natesan, Learned Counsel for the Petitioner and Mr. G.K. Muthukumar, Learned Special Government Pleader, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties. In view of the narrow compass of the dispute, the Writ Petition is taken up for final disposal by consent of parties at the stage of admission itself.

2. The contract carriage bus with Registration No. PY 01 CT 9919 belonging to the Petitioner was detained by the Respondents under Section 207 of the Motor Vehicles Act, 1988, at 8.00 p.m. on 04.02.2020 near Tiruchendur for the following

violations of permit conditions:-

- (i) Motor Vehicle Tax for Tamil Nadu had not been paid;
- (ii) Fare had been collected from the individuals; and
- (iii) Individuals had been picked up and dropped in the limits of the State of Tamil Nadu.

The Respondents had issued Check Report No. A2325547 for the said detention of the vehicle in which it had been informed that if the Petitioner wishes to contest the charges and is not willing to compound the case, he should submit his explanation within 14 days from the date of receipt of that memo to the Second Respondent, and if no such reply is received within the said period, it would be presumed that he is willing to compound the case and the fees mentioned for the same would be collected forthwith. While the matter stands as narrated supra, the Petitioner has filed this Writ Petition to direct the Second Respondent to release the aforesaid vehicle.

3. Learned Special Government Pleader appearing for the Respondents, on instructions, states that the Respondents are prepared to release the vehicle, which has been detained for the aforesaid violations of the permit conditions, on payment of the aggregate sum of Rs.70,601/- as per the particulars shown below:-

Particulars	Amounts (in Rs.)
Motor Vehicle Tax for 30 seats @ Rs.1,000/- per seat for the period from 29.01.2020 to 04.02.2020	30,000/-
Penalty @ 100%	30,000/-
Service Charges	610/-
Compounding fees	10,000/-
Total	70,610/-

It is submitted by the Learned Counsel for the Petitioner in response to the aforesaid contentions made on behalf of Respondents that the Petitioner intends to contest the charges and is not willing to compound the case, but requests that the vehicle may not be continued to be detained till conclusion of the proceedings and instead it may be released on immediate payment of Rs.30,610/- towards motor vehicle tax and service charges, claimed along with furnishing a bank guarantee issued by any Nationalized Bank at Tiruchendur in favour of the Second Respondent for the sum of Rs.40,000/- claimed towards penalty and compounding fees, without prejudice to the rights of the Petitioner to contest the charges of violations of the permit conditions.

4. Having regard to the aforesaid submissions made by the Learned Counsel for both sides, which balances equities between

the parties by effectively safeguarding their respective interests, the Second Respondent shall forthwith release the detained vehicle bearing Registration No. PY 01 CT 9919 to the Petitioner, on receipt of the aforesaid sum of Rs.30,610/- and the bank guarantee for the balance sum of Rs.40,000/- from the Petitioner in the manner agreed supra. The Petitioner shall, at that time, also submit his explanation for the charges of violations of the permit conditions to the Second Respondent, who shall, after affording full opportunity of hearing to the Petitioner, consider each of the contentions raised, and pass reasoned orders on merits in accordance with law, and communicate the decision taken to the Petitioner under written acknowledgment. The encashment of bank guarantee for the sum of Rs. 40,000/- would depend upon the ultimate outcome of the aforesaid enquiry. Further, in the event of failure of the Petitioner to keep the bank guarantee alive till the proceedings attain finality, it shall be open to the Second Respondent to encash the same subject to the result of the enquiry. It is also made clear that inasmuch as this order has been passed with the consensus of the parties on the peculiar features of this case, it shall not be treated as precedent.

5. The Writ Petition is disposed on the aforesaid terms.
No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vjt/maya

To

1. The Motor Vehicle Inspector,
Grade I,
Regional Transport Office,
Tuticorin.
2. The Regional Transport Officer,
Thiruchendur.

+lcc to Mr.R.Natesan, Advocate, S.R.No. 13312

W.P. No. 3684 of 2020

PP(CO)
GN(21/02/2020)