



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.720 of 2020

Subhahar

... Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to release the Mini Bus to the petitioner seized by the respondent on 14.12.2019, bearing Registration No.TN-75-R-9651 from the custody of the respondent without any further delay.

For Petitioner : Mr.R.Russel Raj

For Respondent : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondent.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondent to release the Mini Bus to the petitioner seized by the respondent on 14.12.2019, bearing Registration No.TN-75-R-9651 from the custody of the respondent without any further delay.

4. It is the case of the petitioner that the aforesaid Mini Bus was seized by the respondent for alleged permit violations committed by the petitioner on 14.12.2019.

5. According to the petitioner, he has not committed any permit violations, but, the respondent has seized the vehicle based a false complaint. According to the petitioner, immediately after the seizure of the vehicle, he gave a representation on 14.12.2019 to the respondent seeking for release of vehicle.



6. The learned counsel appearing for the petitioner has also placed before this Court the order passed by this Court in W.P.(MD) No.8729 of 2019 dated 22.04.2019 in an identical matter, wherein this Court directed the respondent to return the vehicle to its owner by imposing certain conditions.

7. The learned counsel appearing for the petitioner, on instructions submits that the petitioner is also willing to abide by the same conditions for return of vehicle.

8. The learned Additional Government Pleader appearing for the respondent has also not raised any serious objection for grant of a similar order to the petitioner.

9. Accordingly, the respondent is directed to return the Mini Bus bearing Registration No.TN-75-R-9651 to the petitioner subject to the petitioner executing an affidavit of undertaking in the following manner:

(a) He shall strictly abide by all the permit conditions in future;

(b) He shall co-operate fully in the proceedings to be initiated by the respondent authority for violating the permit conditions;

(c) He shall not alienate the vehicle during the pendency of the enquiry.

10. On complying with the aforesaid undertaking given in the form of an affidavit, the respondent shall return the vehicle namely Mini Bus bearing Registration No.TN-75-R-9651 to the petitioner, within a period of one week thereafter.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm



To:

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1 CC to Mr.R.RUSSEL RAJ, Advocate (SR-1407[F] dated 10/01/2020)

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