



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) NOS.2548 and 2549 OF 2020

A.Gunaseelan :Petitioner in both W.Ps'

.vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District. : Respondent in both W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to release the Petitioner's Mini Buses bearing Registration Nos.TN37 Q 2367 and TN 45 AM 1536,forthwith.

For Petitioner :Mr.A.C.Asaithambi
in both W.Ps'

For Respondent :Mr.Aayiram K.Selvakumar
in both W.Ps' Addl.Govt.Pleader

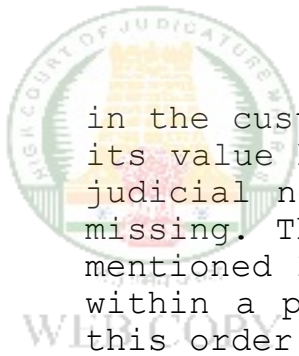
COMMON ORDER

These Writ Petitions have been filed seeking issuance of a Writ of Mandamus directing the respondent to release the Petitioner's Mini Buses bearing Registration Nos.TN37 Q 2367 and TN 45 AM 1536,forthwith.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned Additional Government Pleader appearing for the respondent vehemently oppose the release of the Mini Buses on the ground that the Petitioner had violated the permit conditions.

4.The Mini Buses belonging to the Petitioner was seized by the respondent on the ground that the Mini Buses were plying on an unauthorized route. The act of seizure cannot be faulted. But, then the question is whether the Mini Buses should be released or not. No purpose will be served in continuing to keep the said Mini Buses



in the custody of the respondent, since the vehicles would only lose its value by exposure in open area. That apart, this Court can take judicial note of the fact that the parts of such detained buses go missing. Therefore, the respondent is directed to return the aforementioned Minis Buses to the Petitioner immediately, in any event, within a period of one week from the date of receipt of a copy of this order.

5.The Petitioner has to file an undertaking affidavit before the respondent concerned offering to extend full co-operation with the enquiry that may be initiated by the respondent. The Petitioner shall not alienate the vehicles 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 respondents to seize the vehicles in that event.

6.The Writ Petitions are allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+2 CC to M/s.A.C.ASAITHAMBI, Advocate (SR-5970 & 5971 [F] dated 12/02/2020)

+1 CC to M/s.SPL.GP (SR-6304[F] dated 14/02/2020)

COMMON ORDER MADE IN
W.P(MD)NOS.2548 and
2549 OF 2020
12.02.2020

JMN(18.02.2020) 2P : 5C