



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.4426 of 2020

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The Managing Director,
KPN Travels India Limited,
No.261, M.M.Adigal Salai,
Pudhcherry

... Petitioner
Vs.

1.The Motor Vehicles Inspector,
Grade-II, Unit Office, Karaikudi - 630 002.

2.The Regional Transport Officer,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the second respondent to release the Petitioner's contract carriage bearing Registration No.PY-01-CT-3799 which was impounded by the first respondent on 24.1.2020 and kept in the custody of the second respondent, forthwith on such terms and conditions of this Court.

For Petitioner : Mr.R.Natesan

For Respondents : Mrs.J.Padmavathi Devi
Special Govt.Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of directing the second respondent to release the Petitioner's contract carriage bearing Registration No.PY-01-CT-3709 which was impounded by the first respondent on 24.1.2020 and kept in the custody of the second respondent, forthwith on such terms and conditions of this Court.

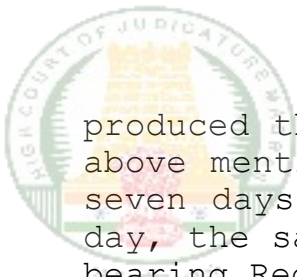
2.Mrs.J.Padmavathi, learned Special Government Pleader takes notice for the respondents 1 and 2.

3.By consent of both parties, the main Writ Petition is taken up for final disposal.

4.The Petitioner's contract carriage bearing Registration No. PY-01-CT-3799 covered by a valid permit issued by the State Transport Authority, Pondicherry and authorized to ply in Tamil Nadu was on a tour with Pilgrims to Rameswaram. The vehicle was checked by the first respondent who issued a Check Report alleging certain irregularities and violation of permit conditions and the vehicle was impounded, which is now in the custody of the second respondent, inspite of protest from the Driver.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned counsel appearing for the Petitioner also



produced the Vehicle Inspection Record issued on 24.1.2020 for the above mentioned vehicle. As per which, Tamil Nadu Tax collected for seven days as per the norms, is about Rs.30,310/- and on the same day, the said amount is paid by the Petitioner and hence the vehicle bearing Registration No..PY-01-CT-3799 may be released.

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6.The vehicle being employed for tourism purpose, may not be retained by the authorities for violation of permit conditions, as the authorities concerned are entitled to take action as per the rules and regulations for cancellation of permit. Section 207 of the Motor Vehicles Act provides that on production of relevant documents by the owner of the seized vehicle, it is the duty of the authority concerned to release the said vehicle. In this case, on the same day, Entry Tax has been paid by the Petitioner.

7.Therefore, without going into the other merits of the case and considering the limited scope of the matter, the second respondent is directed to release the vehicle of the Petitioner bearing Registration No..PY-01-CT-3799, on filing an affidavit of undertaking by the Petitioner to the effect that he will produce the vehicle as and when it is required by the respondents and also he will not alienate the same without prior permission from the respondents, however, after verification of the relevant documents produced by the Petitioner. Insofar as the violation of permit conditions are concerned, it is open to the respondents to proceed against the Petitioner in accordance with law.

8.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1.The Motor Vehicles Inspector,
Grade-II, Unit Office, Karaikudi - 630 002.

2.The Regional Transport Officer,Sivagangai.

+1 CC to M/s.R.NATESAN, Advocate (SR-9422[F] dated 02/03/2020)

ORDER MADE IN

W.P(MD)No.4426 of 2020

28.02.2020

SMA/06/03/2020/2P/4C