

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.07.2020****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD)No.6841 of 2020**

WEB COPY

Dhanabalan

... 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 petitioner's Maxi Cab bearing Registration No.TN 67-M 9399 forthwith.

For Petitioner	: Mr.A.C.Asaitambi
For Respondent	: Mr.S.Angappan
	Government Advocate.

O R D E R

Heard the learned counsel on either side.

2.The petitioner is the owner of the petition mentioned vehicle. The petitioner is having permit only to operate a contract carriage. But the allegation of the respondent is that the petitioner is using it as a stage carriage vehicle. Because of this violation of the permit condition, the vehicle came to be seized.

3.While the respondent is at liberty to take further action as per law against the petitioner for violation of the permit conditions, I am of the view that the respondent is not justified in retaining the vehicle. If the respondent keeps the vehicle in his custody, the vehicle will lose its value. The Hon'ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat) has held as follows:-

"17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as



security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles."

4. Therefore, the respondent is directed to release the petition mentioned vehicle to the petitioner forthwith without any delay. The petitioner of course undertakes not to alienate the vehicle in the mean while. He will also produce the vehicle as and when required and cooperate with the enquiry that may be conducted by the respondent. The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle.

5. The Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

W.P. (MD) No. 6841 of 2020

08.07.2020

AL(CO)

TR(09.07.2020) 2P 2C