



WEB COPY

W.P.(MD)No.18980 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.18980 of 2020

and

W.M.P. (MD) .No.15911 of 2020

(Through the Video Conferencing)

Gobidas

... Petitioner

Vs

1.The Regional Transport Authority,
Karur.

2.The Regional Transport Officer,
Karur.

3.The Motor Vehicle Inspector,
Grade-I (Enforcement),
Karur.

4.The Lorry Owners Welfare Federation,
Kerala State, A.M.Complex,
Lorry Stand, Kozhicode,
Kerala.

5.M.Kanagaraj,
Motor Vehicles Inspector,
Grade I, RTO Office, (Enforcement),
Karur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in R.No.32516/B2/2020 dated 11.11.2020 and quash the same and consequently direct the respondents 1 to 3 to release the vehicle of the petitioner bearing Registration No.KL-33-K-3693 forthwith and further direct the respondents 1 to 3 not to insist for production of copy of documents for the petitioner's vehicle which are available in Vahan Protal from the petitioner.

For Petitioner : Mr.J.Anandkumar

For R-1 to R-3 : Mr.C.Ramesh
Special Government Pleader

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



ORDER

This writ petition has been filed challenging the impugned order of the second respondent dated 11.11.2020, wherein, the second respondent has intimated that the original records mentioned in the impugned order was not produced by the petitioner when the vehicle bearing Registration No.KL-33-K-3693 owned by the petitioner was detained at Karur Regional Transport Office.

2. Mr.C.Ramesh, learned Special Government Pleader accepts notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard J.Anandkumar, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader for the respondents.

4. The learned counsel for the petitioner on instructions would submit that all the records have already been produced and only for extraneous reasons, the vehicle belonging to the petitioner was detained. The learned counsel for the petitioner would further submit that in the Vahan Portal, the records of the lorry are very much available and hence, arbitrarily and illegally, the impugned order dated 11.11.2020 has been passed and it is also his submissions that it is antedated.

5. The learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, would submit that, if the petitioner is able to satisfy the respondents 1 to 3 with regard to the availability of the original records pertaining to the detained lorry as intimated in the impugned communication dated 11.11.2020, the respondents 1 to 3 are willing to release the vehicle back to the petitioner subject to the payment of appropriate fine amount. For this submission, the learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to satisfy the requirements of the official respondents.

6. Accordingly, the petitioner is directed to approach the respondents 1 to 3 and produce all the original records with regard to the detained goods vehicle bearing Registration No.KL-33-K-3693 which was detained at the Regional Transport Office, Karur, due to certain irregularities and on production of the same, the respondents 1 to 3 after getting themselves satisfied shall release the vehicle to the petitioner and in case, the petitioner is liable to pay any appropriate fine amount for any irregularity, it is made clear that the vehicle shall be released only on payment of the said fine amount to the respondents 1 to 3. In this regard, while passing an order of release of the vehicle, the respondents 1 to 3 shall take into consideration the Notification bearing No. RT-11036/35/2020-MVL, issued by the Ministry of Road Transport and Highways (MVL Section), Government of India dated 24.08.2020.



7. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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// 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

1.The Regional Transport Authority,
Karur.

2.The Regional Transport Officer,
Karur.

3.The Motor Vehicle Inspector,
Grade-I (Enforcement),
Karur.

W.P. (MD)No.18980 of 2020
22.12.2020

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KMK (CO)

KK(28.12.2020) 3P 4C