

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.2207 of 2020

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for respondents.

2. Learned counsel for the petitioner submits that the petitioner company is engaged in transport/logistics business and it is the owner of the vehicle bearing Registration No.TN-01-TR-0583. The petitioner company during the course of its business employed Mr.Pawan s/o Babulal as driver of the vehicle in question and the said vehicle was detained illegally by the 3rd respondent on the ground that driver of the said vehicle was drunk. Further, learned counsel for the petitioner while seeking release of the vehicle submits that the driver of the said vehicle, out of fear of arrest, had abandoned the vehicle and left to his native place and the driver would be produced before the 3rd respondent.

3. The learned Assistant Government Pleader for Home appearing for respondents states that on 25.01.2020 since the driver was not in a position to drive the vehicle the police authorities have taken custody of the vehicle temporarily and placed the vehicle at 3rd respondent police station. Learned Assistant Government Pleader would further submit that the driver of the vehicle on being stopped by the respondent police for checking for drunk and drive, left the place abandoning the vehicle and also not produced the registered documents, the respondent police authorities have temporarily taken the vehicle for safe custody and on production of documents and paying prescribed fine, the vehicle would be released to the owner.

4. Insofar as the police authorities taking custody of the vehicle on the driver being found in inebriated condition, this Court in W.P.No.2361 of 2019 observed that “Even if the driver on that particular day was unable to drive the vehicle, that does not mean that respondents can retain the vehicle.”

5. Having regard to the above, the petitioner is directed to appear before the 3rd respondent with documents of vehicle in question, produce proof of his identity and by giving an undertaking to produce the driver of the vehicle before the respondent authorities within the time as may be considered reasonable by the said authority. Upon the petitioner approaching the 3rd respondent or other official, who has the custody of the vehicle in question and producing the documents and also executing the undertaking, the said authority shall release the vehicle to the petitioner forthwith upon collecting the fine as provided under the Motor Vehicles Act for non production of documents.

6. Subject to the above observation, the Writ Petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:05.02.2020
grk