

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 8/3/2021
C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.5408 of 2021

Anbarasan

...

Petitioner

Vs

1. The Regional Transport Officer
O/o Regional Transport Office
Chennai East
Chennai.
2. The Motor Vehicle Inspector
Grade - I, Unit Office
O/o Regional Transport Office
Ulundurpet
Kallakurichi District.
3. The Sub-Inspector of Police
Thirunavalur Police Station
Ulundurpet
Kallakurichi District. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to release the petitioner's autorickshaw operator to ply on the route within limits of Chennai Metropolitan area, covered by vehicle bearing Registration No.TN04U-5640, which was in third respondent Office.

For petitioner ... Mr.T.Padmanabhan

For respondents ... Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader
for R.R.1 and 3.

WEB COPY

O R D E R

This writ petition has been filed to direct the respondents to release the petitioner's autorickshaw to ply on the route, within the limits of Chennai Metropolitan area, covered by vehicle, bearing Registration No.TN04U-5640, which was in third respondent Office.

2. The petitioner is operating autorickshaw, bearing Registration No.TN04AU-5640, within the limits of Chennai Metropolitan area. The second respondent said to have seized the vehicle, on 21/1/2021, pursuant to an accident occurred in violation of the permit at the time of inspection and they have noted down that there was no renewal in respect of fitness, emission certificates and detained the same in the custody of the third respondent. The petitioner gave a representation on 9/2/2021 and in the representation itself, he has expressed that he is having all the original certificates of the vehicle and willing to produce at any time before the concerned Transport authorities. Since the same has not been considered, the petitioner has come forward with the present writ petition praying for the relief stated supra.

3. Learned counsel appearing for the petitioner submits that the petitioner is having all the required document, viz., fitness, emission certificates. Even though, the vehicle has been detained, respondents are not supposed to retain the vehicles.

4. Mr.Ps.Sivashanmuga Sundaram, learned Special Government Pleader takes notice for the respondents and would submit that the petitioner has not produced the original certificates and a case has also been registered.

5. Learned counsel for the petitioner in support of his contention has relied on several judgments passed by this Court. In similar circumstances, this Court, by an order dated 17/4/2012, made in W.P.No.4538 of 2012, has passed an order, following the earlier orders of this Court.

"In similar circumstances, this Court, by an order, dated 25/7/2011 in W.P.(MD) No.6110 of 2011, directed the respondents therein to release the vehicle on the following conditions:-

(i). The petitioner shall produce documents before the respondents to establish the ownership of the vehicle in question.

(ii). The petitioner shall give an undertaking that they will not use the vehicle in a route not authorised to ply and shall produce as and when required by the respondents.

(iii). On doing in the vehicle in question shall be returned to the petitioner.

(iv). The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

6. In view of the above, this writ petition is disposed of, with a direction to the second and third respondents, to verify the original records of the petitioner and after obtaining an undertaking shall release the vehicle, in accordance with the earlier orders passed by this Court. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mvs.
To

1. The Regional Transport Officer
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2. The Motor Vehicle Inspector
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Kallakurichi District.
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