

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :02.06.2021

Coram

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.10989 of 2021

P.Sivakumar

..

Petitioner

Vs.

1. The Regional Transport Officer,
Enforcement Wing, Chennai Zone,
Sozhinganallur, Chennai 600 119.

2. The Regional Transport Officer,
Kancheepuram.

..... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 22.04.2021, and consequently, direct the first respondent to release the petitioner's vehicle bearing Registration No.TN-21-AT-2378, now custody of the second respondent.

For Petitioner : Mr.R.Srinivasalu

For respondents : Mr.K.V.Sajeev Kumar,
Special Govt. Pleader for R1 &R2

ORDER

This writ petition has been filed for direction to the respondents to consider and pass orders on the petitioner's representation dated 22.04.2021, and consequently direct the first respondent to release the petitioner's vehicle bearing Registration No.TN-21-AT-2378, now custody of the second respondent.

2. With the consent of the learned counsel for both sides, this matter is taken up for final disposal, at the admission stage itself.

3. According to the petitioner, he holds a Private Vehicle Service Permit, issued by the Regional Transport

Authority, Sozhangnanallur, in respect of the vehicle, bearing No.TN-21-AT-2378, valid upto 13.11.2022. On 07.04.2021, when the said vehicle was plying near Sriperumbudur Toll Gate, it was intercepted by the officials of the first respondent and they found that the vehicle was carrying the employees of other company's staff viz., SH Electronic System Pvt. Ltd. and seized the same and after seizure, the first respondent left the custody of the vehicle with the second respondent. It is the further case of the petitioner, that he produced all the original records pertaining to the vehicle before the second respondent and also submitted a representation, requesting for release of the vehicle, but, till date, the respondents have not released the vehicle in question.

4. Learned counsel for the petitioner submitted that in case of any violation of the permit conditions by the owner of the vehicle, it is always open for the respondents to take action in accordance with law, however, there is no requirement to seize the vehicle. He further submitted that though the petitioner has made a representation for release of the vehicle along with relevant documents, the same was not considered till date.

5. On the other hand, learned Special Government Pleader, appearing for the respondents submitted that once a vehicle is seized or detained by the authority, the owner of the vehicle has to submit an application under Section 207 (2) of the Motor Vehicles Act before the authority concerned, who in turn shall consider the same and pass orders for release of the vehicle after verification of all necessary documents.

6. In reply, learned counsel for the petitioner submitted that the petitioner has filed an application for release of the vehicle under Section 207 (2) of the Motor Vehicles Act before the authority concerned on 22.04.2021, which is pending.

7. Heard both sides and perused the materials available on record.

8. It is well settled that for violation of the permit conditions, the authorities concerned are entitled to take action as per the rules and regulations, for cancellation of permit. It is also well settled that as per Section 207 of the Motor Vehicles Act, on production of relevant documents by the owner of the vehicle, it is the duty of the authority concerned to consider the same and release the seized vehicle, in accordance with law. It is an admitted fact that if the seized vehicle is kept in the custody of the respondents, it will be exposed to rain and shine and it will diminish in its value.

9. In such view of the matter, the writ petition is disposed of with the following directions:

(i) The petitioner shall produce all the relevant documents before the respondents in proof of his ownership.

(ii) On receipt of the documents, the respondents shall release the vehicle after getting an undertaking from the petitioner that he will not alienate for vehicle and that it will be produce before the respondents as and when required.

(iii) The respondents shall proceed further against the petitioner for the alleged violation of the permit conditions by issuing show cause notice and the petitioner shall reply for the same and final order shall be passed as expeditiously as possible.

No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Regional Transport Officer,
Enforcement Wing, Chennai Zone,
Sozhinganallur, Chennai 600 119.

2. The Regional Transport Officer,
Kancheepuram.

+1cc to the Government Pleader, S.R.No.27369

सत्यमेव जयते

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CP(CO)
CB(12/07/2021)

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