

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 09.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.Nos.1819 & 1820 of 2017

- 1.The Regional Transport Officer,
Salem (West), Salem.
- 2.The Motor Vehicles Inspector,
Regional Transport Office,
Salem (West), Salem. ... Appellants in both appeals

versus

S.Venkateswari ... Respondent in W.A. No.1819 of
2017

P.K.Venkatesan ... Respondent in W.A. No.1820 of
2017

Prayer in both the Writ Appeals: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 09.08.2017 made in W.P. Nos.21244 & 21243 of 2017 and allow the writ appeals.

Prayer in WP No.21244 of 2017 : Petition filed under Article 226 of the Constitution of India Praying to issue a writ of mandamus directing the respondents to release the omnibus of the petitioner bearing Registration No.PY 01 AQ 4599 bearing Engine No.MNH519642 with reference to the check report No.A1209209 dated 02.05.2017 of the 2nd Respondent, which is presently impounded and kept in the office of the first respondent.

Prayer in WP No.21243 of 2017 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st Respondent to release the omnibus bearing Registration on TN 37 BC 0600, which is presently impounded and kept in the office compound of the first respondent.

For Appellants in all cases: Mr.K.Magesh,
Special Government Pleader

For Respondents in all cases: No appearance

COMMON JUDGMENT

(Judgment of this Court was delivered by T.RAJA,J.)

The writ appeals have been filed to set aside the order dated 09.08.2017 passed by the learned Single Judge in W.P. Nos.21244 & 21243 of 2017.

2.Learned Special Government Pleader appearing for the appellants submitted that since the writ appeals have been filed way back in the year 2017 and there was no fault on the part of the appellants, the enquiry has not commenced as stated in condition No.v of the order dated 09.08.2017 passed by the learned Single Judge of this Court.

3.When the learned Single Judge has passed conditional order on 09.08.2017 in the above writ petitions directing the appellants to proceed with the enquiry and pass appropriate orders in the manner known to law, without holding any enquiry as directed in condition No.v, the appellants cannot approach this Court. Moreover, in paragraph No.7, the learned Government Advocate appearing for the respondents submitted before the learned Single Judge that he has no objection for releasing the vehicle imposing usual conditions. Though sufficient time has been given to the appellants to proceed with the enquiry and the learned Government Advocate appearing for the respondents therein has no objection for releasing the vehicle imposing usual conditions, the appellants have not come forward to proceed with the enquiry. If the appellants have proceeded with the enquiry as directed by this Court, there is no need to file these appeals. Therefore, we are unable to find any infirmity in the order passed by the learned Single Judge of this Court.

4.Accordingly, the writ appeals are dismissed. No costs.

5.Needless to mention that the appellants shall proceed with the enquiry as ordered by the learned Single Judge in condition No.v.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vga

To

1.The Regional Transport Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Salem (West), Salem.

2.The Motor Vehicles Inspector,
Regional Transport Office,
Salem (West), Salem.

+1cc to Government Pleader SR.No.22783

W.A.Nos.1819 & 1820 of 2017

EV (CO)
GMY (22/06/2021)



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