



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P. (MD) No. 8652 of 2021

WEB COPY

S. Kanagaraj : Petitioner

Vs.

1. The District Revenue Officer,
Nagercoil, Kanyakumari District.
 2. The Inspector of Police,
Civil Supply CID Crime Investigation Department,
Kanyakumari District.
 3. The District Supply Officer and
Consumer Protection Officer,
Nagercoil, Kanyakumari District.
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to hand over the original Registration Certificate of the vehicle Ashok Leyland-Dost, bearing Registration Number TN-92-C-9266, for a period of two weeks to produce before the authority for fit certificate.

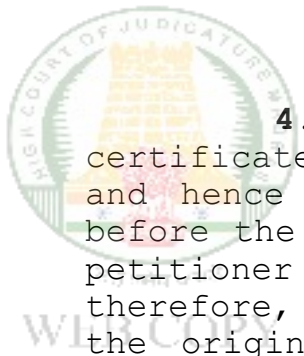
For Petitioner : Mr. R. J. Karthick
For R-1 to R-3 : Mr. B. Bhagawathy
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to hand over the original Registration Certificate (RC Book) of the vehicle belonging to the petitioner in order to enable the petitioner to renew the fitness certificate for the vehicle before the concerned Authority.

2. The case of the petitioner is that he is the owner of the subject vehicle and the original Registration Certificate (RC Book) also stands in his name. The second respondent seized the vehicle and an F.I.R., came to be registered in Crime No. 145 of 2019, for the offence under Section 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982 r/w 7 (1) (a) (ii) of the Essential Commodities Act, 1955.

3. The petitioner approached this Court and sought for the release of the vehicle and this Court disposed of the Writ Petition by directing the petitioner to surrender the original RC Book before the first respondent. Accordingly, the petitioner also surrendered the original RC Book before the first respondent.



4. The further case of the petitioner is that the fitness certificate that was granted to the vehicle expired on 03.04.2021 and hence the petitioner wants to renew the fitness certificate before the concerned Road Transport Officer. For this purpose, the petitioner requires the original RC Book. The petitioner, therefore, made a representation to the first respondent seeking for the original RC Book. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.B.Bhagawathy, learned Government Advocate, appearing on behalf of the respondents.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, this Writ Petition is disposed of with the following directions:-

"a. The petitioner is directed to make a fresh representation before the first respondent along with a copy of this order.

b. The first respondent on receipt of the same shall hand over the original RC Book pertaining to the vehicle to the petitioner after getting a sworn affidavit from the petitioner to the effect that he will surrender the original RC Book immediately after renewal of the fitness certificate for the vehicle and

(c). The first respondent shall ensure that the petitioner surrenders the original RC Book within the time stipulated by the first respondent."

No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

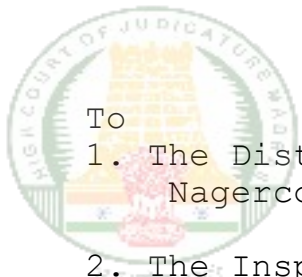
/ /2021

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 District Revenue Officer,
Nagercoil, Kanyakumari District.

2. The Inspector of Police,
Civil Supply CID Crime Investigation Department,
Kanyakumari District.

3. The District Supply Officer and
Consumer Protection Officer,
Nagercoil, Kanyakumari District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-17650[F] dated 27/04/2021)

+1 CC to M/s.SPL GP (SR-17935[F] dated 28/04/2021)

Order made in
W.P. (MD) No.8652 of 2021

Dated:
27.04.2021

RK (29.04.2021) 3P 6C