



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.07.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.9151 of 2021

M.Syed Niyas

... Petitioner

Vs.

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to release the petitioner's Mini Bus, bearing Registration No.TN-50-B-5184 forthwith.

For Petitioner : Mr.A.C.Asaithambi

For Respondent : Mr.S.Shanmugavel
Spl.Govt.Pleader

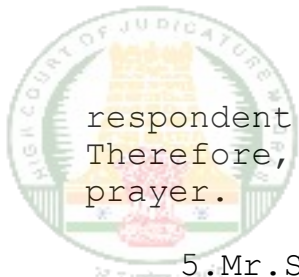
O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, to direct the the respondent to release the petitioner's Mini Bus, bearing Registration No.TN-50-B-5184 forthwith.

2. Mr.S.Shanmugavel, learned Special Government Pleader takes notice for the respondents.

3. The case of the petitioner is that the petitioner is a Mini Bus Operator in Kanyakumari District, operating Mini Bus, bearing Registration No.TN-50-B-5184, plying on the route Nithiravilai to Eramanthurai, the Mini Bus is plying as per the permit condition. The petitioner is plying the Mini Bus, for the interest of the travelling public, without any remark, with valid permit to ply on the said route. On 22.04.2021, while the Mini Bus was plying towards Eramanthurai, the Motor Vehicle Inspector Grade-I, stopped the petitioner's Minis Bus and issued a Check Report stating that the vehicle carrying 10 passengers towards Pudukadai Bus Stand and the same was stopped and that there is no document like Conductor Licence, Permit and the vehicle did not operate, as per the permit condition and therefore, the vehicle seized temporarily and handed over to the Pudukadai Police Station.

4. The learned counsel appearing for the petitioner would submit that on 23.04.2021, the petitioner submitted a representation to the respondent, for releasing the petitioner's Mini Bus, but the



respondent refused to release the petitioner's Mini Bus immediately. Therefore, the petitioner is before this Court with the aforesaid prayer.

5.Mr.S.Shanmugavel, learned Special Government Pleader, who takes notice on behalf of the respondent, would vehemently oppose the release of Mini Bus on the ground that the petitioner has willfully violated the permit conditions.

6. The Mini Bus belonging to the petitioner was seized by the respondent on the ground that it was plying on an unauthorized route. The act of seizure cannot be faulted. But, then the question is whether it should be released or not. I am of the view that no purpose will be served by keeping the vehicle in question in the custody of the respondent. If the vehicle is kept in open space and exposed to sun light and rain, it would lose its value. Therefore, the respondent is directed to release the said vehicle subject to the following conditions.

7. Accordingly, this Writ Petition is disposed of with the following directions.

"(i)The petitioner is directed to deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand Only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSCCode: IOBA0001172), without prejudice to his rights and contentions;

(ii)The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle.

(iii)The petitioner is directed to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(iv) On compliance of the above conditions, the respondent is directed to release the seized vehicle viz., Mini Bus, bearing Registration No.TN-50-B-5184, to the petitioner.

No costs.

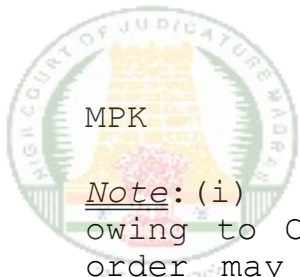
Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



MPK

Note: (i) 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

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

**W.P (MD) No. 9151 of 2021
05.07.2021**

dks (CO)
TR(12.07.2021) 3P 2C