



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD)No.11062 of 2021

GaneshaMoorthi@Ganeshan

... Petitioner

Vs.

The Regional Transport Officer(Enforcement),
Regional Transport Office(Trichy West),
Pirattiyur, Trichy West,
Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the petitioner's TATA Lorry bearing registration number TN 59 D 3366, seized on 16.12.2020 and keeping under the custody of the respondent by considering the petitioner's representation dated 26.03.2021.

For Petitioner : Mr.S.Krishnan

For Respondent : Mr.S.Shanmugavel,
Special Government Pleader

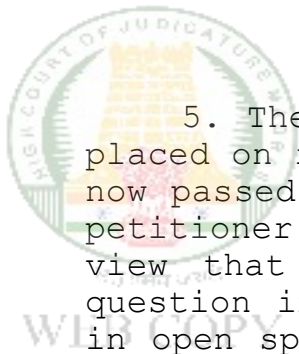
O R D E R

This Writ Petition has been filed for a direction to the respondent to release the Petitioner's vehicle namely TATA Lorry bearing registration No.TN 59 D 3366, seized on 16.12.2020.

2. Heard the learned counsel for both sides.

3. The learned Special Government Pleader appearing for the respondents would state that the vehicle in question was seized on the allegation that the vehicle was overloaded and plying without proper documents. The enquiry in this regard is still pending. He would further submit that the documents with regard to the subject vehicle are not in the name of the petitioner.

4.However, the learned counsel for the petitioner would state that the petitioner had applied for transfer of the documents in his name, but due to Covid-19 Pandemic situation, he could not proceed further and the transfer application has also been enclosed in the typed set of papers.



5. The submission of the learned counsel for the petitioner is placed on record. If this submission turns out to be false, the order now passed by this Court would stand automatically recalled and the petitioner will be visited with serious consequences. 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.

6. 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, IFSC Code: IOBA0001172), without prejudice to his rights and contentions;

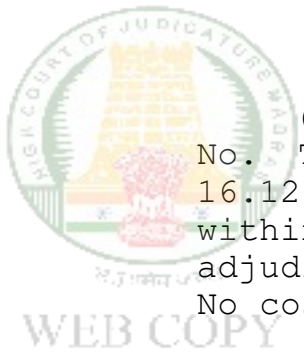
(ii) The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle.

(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 bearing Registration No. TN 59 D 3366 to the petitioner.

(v) The respondent is directed to pass final orders in the adjudication proceedings, if any, within a period of 45 days;

(vi) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of the concerned criminal Court of appropriate jurisdiction, then option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and



(vii) Inasmuch as the vehicle bearing Registration No. TN 59 D 3366 is seized by the respondent on 16.12.2020, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.
No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

The Regional Transport Officer (Enforcement),
Regional Transport Office (Trichy West),
Pirattiyur, Trichy West,
Trichy.

Copy to

The Officer Incharge,
Chief Minister Public Relief Fund,
Secretariat ,
Chennai -9

+1 CC to M/s.SPL GP (SR-21691[F] dated 08/07/2021)

W.P. (MD) No.11062 of 2021
07.07.2021

CM(CO)

KB(14.07.2021) 3P 4C