



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2021

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17915 of 2021

A.Chellan

... Petitioner

-Vs-

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the petitioner's Mini Bus bearing Registration No. TN 74E 7398 forthwith.

For Petitioner	: Mr.A.C.Asaitambi
For Respondent	: Mr.D.Ghandiraj
	Government Advocate

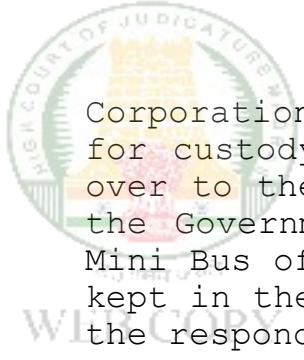
ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondent to release the petitioner's Mini Bus bearing Registration No.TN 74E 7398 forthwith.

2.It is the case of the petitioner that the petitioner is having a Mini Bus with Registration No. TN 74E 7398, for which Mini Bus permit has been given for the route between Karungal and Palliyadi. While so, on 30.08.2021, in order to take a trip in the permitted route, the vehicle which had been stationed at the place called Siraiyankuzhi, was taken by the driver towards Palliyadi. While so, the State Government Transport Bus with Registration No. TN 74 1955, which was coming behind the petitioner's vehicle hit the petitioner's vehicle. Therefore, there has been a small accident and with the result, infact, the petitioner's claim is that, the dent made due to the hit of the Government vehicle on the petitioner's vehicle has to incur expenses to the extent of Rs.30,000/- .

3.However, unmindful of the same, both the vehicles i.e., the vehicles belong to the petitioner as well as the Transport

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Corporation, which involved in the said mini accident, were taken for custody by the concerned police, from whom, it has been handed over to the respondent. However, on the next day, ie., 31.08.2021, the Government Transport Corporation Bus was released, whereas the Mini Bus of the petitioner has not been released. Still it has been kept in the custody of the police, ofcourse, under the directions of the respondent.

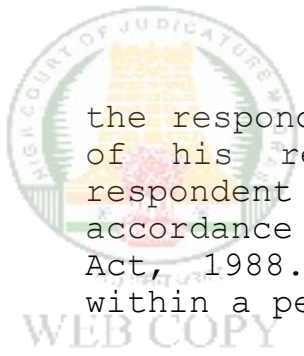
4. Therefore, in order to release the vehicle, the petitioner has made a representation to the respondent on 31.08.2021 itself, which since has not been considered, he has approached this Court with the aforesaid prayer.

5. Reiterating the aforesaid, learned counsel would further submit that, under Section 207 of the Motor Vehicles Act, 1988, if any vehicle is seized for the alleged reason of operating the vehicle without any valid certificate or permit, the same can be released provided, if necessary certificates and permits are produced by the vehicle owner to the concerned Transport Authority and in respect of which, even though a chance of production of the documents for consideration has also not been given, for which, the petitioner is always ready to produce all those documents to the respondent. Hence, after verifying the same, the respondent can very well release the vehicle in question. Therefore, suitable directions in this regard can be given, he contended.

6. Per Contra, learned Government Advocate appearing for the respondent, on instructions and by relying upon the vehicle inspection report dated 31.08.2021, which has also been filed in the typed set of papers of the petitioner that, the said vehicle ie., Mini Bus belongs to the petitioner was operated between Marthandam and Nagercoil route, which is not an approved route for the petitioner and therefore, at place called Siraiyankuzhi, since the vehicle met with an accident, in view of the alleged reason that the vehicle since had been plied in the unapproved route, that was seized and therefore, necessary enquiry has to be conducted in this regard. After verifying the connected documents to be submitted by the petitioner, a decision would be taken as to whether the plea of the petitioner that he has taken the vehicle from the place, where it was stationed in the route, which was permitted to the petitioner or not and therefore, such a procedure would be adopted by the respondent and an order would be passed on the representation given by the petitioner, he contended.

7. I have considered the said submissions made by the learned counsel appearing for both parties and have perused the materials placed before this Court.

8. In view of the stand taken by the respondent, it is open to the petitioner to produce the necessary documents, like, registration certificate, permit and other connected documents to



the respondent and on receipt of those documents, along with a copy of his representation dated 31.08.2021 with this order, the respondent shall consider the same and pass orders on merits and accordance with law, under Section 207 (2) of the Motor Vehicles Act, 1988. Such action shall be undertaken by the respondent, within a period of two (2) weeks thereafter.

9. With these directions, the present writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SM

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

The Regional Transport Officer,
Marthandam,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-31023[F] dated 04/10/2021)

W.P. (MD) No.17915 of 2021

Dated:

01.10.2021

MGJ(05.10.2021) 3P 3C