



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No.20824 of 2021

Kanagaraj

... Petitioner

Vs.

1.The Regional Transport Officer,
Regional Transport Office,
Dindigul.

2.The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to release the Ashok Leyland Dost (load auto) bearing registration No.TN-57-BC-4972 seized on 09.05.2021 by the 2nd respondent by receiving the fine amount for violation of Section 130 (3) of the Motor Vehicles Act during the inspection done by the 1st respondent on 15.06.2021 by considering the representation dated 10.11.2021 and hand over the vehicle to the Petitioner.

For Petitioner	: Mr.N.Adithya Vijayalayan
For Respondents	: Mr.M.Lingadurai, Special Government pleader.

O R D E R

Mr.N.Adithya Vijayalayan, learned counsel on record for sole writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts on behalf of both respondents are before this Court.

2. Owing to the narrow campus on which captioned main writ petition turns, with the consent of learned counsel on both sides, main writ petition is taken up.

3. Short facts shorn of granular particulars will suffice owing to the narrow compass of the matter and the acute angle on which it turns. Short facts are that the petitioner's vehicle being 'Ashok Leyland Dost (load auto) bearing registration No.TN-57-BC-4972' (hereinafter 'said vehicle' for the sake of brevity, clarity and convenience) was seized by the second respondent on 09.05.2021 as it met with a road accident. On 14.06.2021 the second respondent produced the said vehicle before the first respondent for vehicle



inspection, who after completing the inspection on 15.06.2021 handed over the vehicle to the second respondent.

4. Release of said vehicle is the lone issue in the captioned matter.

5. Learned State Counsel submits that the only impediment in release of said vehicle (in the case on hand) is payment of fine.

6. To be noted, the prayer itself talks about direction to receive the fine amount and release said vehicle.

7. I am ignoring 10.11.2021 representation as the same has been despatched only late in the evening on 10.11.2021 and has been received by the respondents only on 11.11.2021 whereas the writ petition has been filed on 19.11.2021. In other words, I proceed on the basis that the seizure of said vehicle was on 09.05.2021, more than six months ago and I am deciding *de hors* the writ petitioner's representation.

8. Captioned writ petition is disposed of with a directive to the second respondent to release said vehicle on payment of fine amount *inter alia* under Section 130(3) of the Motor Vehicles Act, 1988, within a fortnight from the date of payment of fine. There shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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 Regional Transport Officer,
Regional Transport Office, Dindigul.

2.The Inspector of Police,
Oddanchatram Police Station, Dindigul District.

+1 CC to M/s.SPL GP (SR-35852[F] dated 25/11/2021)

W.P (MD) No.20824 of 2021
23.11.2021

RD(06.12.2021) 2P 4C

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