



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P (MD) No.22208 of 2021

M.Viji

... Petitioner

Vs.

The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondent to release the petitioner's mini bus bearing registration No.TN 74 F 6220 and consider her representation dated 06.12.2021 within the period stipulated by this Court.

For Petitioner	: Mr.H.Velavadhas
For Respondent	: Mr.M.Ramesh, Government Advocate.

O R D E R

Mr.H.Velavadhas, learned counsel on record for writ petitioner and Mr.M.Ramesh, learned Government Advocate, who accepts notice on behalf of the lone respondent are before me, with the consent of learned counsel on both sides, main writ petition is taken up.

2. Learned counsel for writ petitioner submits that writ petitioner is a Minibus operator and writ petitioner's 'Minibus bearing Registration No.TN-74-F 6220' (hereinafter 'said vehicle' for the sake of convenience and clarity) was seized by the respondent on 01.12.2021. A clean copy of the check report dated 01.12.2021 is as follows:



**GOVERNMENT OF TAMILNADU, TRANSPORT DEPARTMENT
VEHICLE INSPECTION REPORT**

No A 2338501

Date: 01.12.2021 Time: 06.30 pm Place: Hindu College
Police Limit: Kottar

Registration No. TN 74 P 6220 Class of Vehicle: Mini Bus

Name and Address of the Driver: R. Rahul
21 A, Annamalai Street, Parattur

Name and Address of the Conductor R. Mutaiya

Nature of Offence 1. Kottar to Vadasery சென்று உள்ள 3 பயனிகளுடன்
Operating.

2. நடத்துநர் உரிம இல்லை.

a. உரிம ஆவணங்கள் (RC, PC, Permit, Road Tax) not
produced

b. ஓட்டுநர் உரிம இன்று இல்லை.

ஆகவே உரிம ஆவணங்களை RTO Office, Nagercoil

இலக்க ஊர்தி ஆய்வாளர்
செயலாளர்,
வட்டார போக்குவரத்து அலுவலகம்,
நாகர்கோவில்.

3. This Court is informed without any disputation or disagreement that the detention of said vehicle is under Section 207 (1) of the Motor Vehicles Act, 1988 (Act 59 of 1988), which shall hereinafter be referred to as 'MV Act' for the sake of convenience and clarity.

4. Learned counsel for writ petitioner submits that writ petitioner, post seizure has applied to the respondent seeking release of said vehicle. This according to learned counsel is vide a communication dated 06.12.2021, which has been mailed (by speed post) on that day at around 7.00 p.m.

5. A perusal of sub-section 2 of Section 207 of MV Act makes it clear that an application under this provision should be made with relevant documents. In the case on hand, the aforementioned check



report *prima facie* shows that annexing documents to the application under Section 207(2) of MV Act is imperative but the communication placed before me does not show that documents have been annexed.

6. One other factor is the aforementioned application has been made on 06.12.2021 and the captioned writ petition has been filed on 09.12.2021 with a mandamus prayer and therefore, this writ petition is premature.

7. Be that as it may, it is well open to the writ petitioner to approach the respondent under Section 207(2) of MV Act with relevant documents and if so approached, the respondent shall consider the same on its own merits and in accordance with law. This order will not come in the way in such legal drill as I have not expressed any view or opinion on the merits of the matter in this order. In other words, this order will neither impede nor serve as impetus if the writ petitioner applies (to respondent) with relevant documents under Section 207(2) of MV Act.

8. Captioned writ petition is disposed of as closed preserving the rights of both sides in the manner indicated above. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// 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

The Regional Transport Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-39028[F] dated 16/12/2021)

W.P(MD)No.22208 of 2021

15.12.2021

NSN (CO)

GC(28.12.2021) 3P 3C

<https://hcservices.ecourts.gov.in/hcservices/>