



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1979 of 2022

M/s.SRS Travels
Proprietrix: B.R.Megha
No.68, Jogaradoddi,
Bidadi Industrial Area, Ramanagara,
Karnataka.

...Petitioner

Vs.

1.The Motor Vehicles Inspector, Grade I,
Regional Transport Office,
Kancheepuram - 631 552.

2.The Regional Transport Officer,
Kancheepuram - 631 552.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to release the petitioner's contract carriage bearing Registration No.KA-42-9559 which was impounded by the 1st respondent on 16.01.2022 and kept in the custody of the 2nd respondent forthwith.

For Petitioner : Mr.R.Natesan

For Respondents : Mrs.V.Yamuna Devi

Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the 2nd respondent to release the petitioner's contract carriage bearing registration No.KA-42-9559 which was impounded by the first respondent on 16.01.2022 and kept in the custody of the 2nd respondent.

2.The petitioner states that the proprietrix of the Transport Company in the name and style of SRS Transport



operating 150 buses in the States of Karnataka, Kerala, Tamil Nadu and Union Territory of Pondicherry. The vehicle which was impounded bearing registration No.KA-42-9559 is covered by a valid permit to ply in the State of Karnataka. Whenever, there is a demand from the tourist parties to ply to other States the petitioner obtained a special permit from the primary authorities and carry the tourists. On 16.01.2022 they had requested the Police authorities to permit them to return to Bangalore as they could not get accommodation to stay anywhere in the City. The Police at the Koyambedu bus terminus allowed the driver to proceed to Bangalore after 10.30 pm. When the vehicle was passing through Sriperumbudur at 11:30pm, it was checked by the 1st respondent, who issued the vehicle inspection record. He alleged that the vehicle was plying without payment of road tax to the State of Tamil Nadu and ignoring the orders of curfew, the vehicle was proceeding to Bangalore. Based on these charges, the respondents seized the vehicle and kept the same in the custody of the 2nd respondent.

3. The learned counsel for the petitioner made a submission that with reference to the allegation of non-payment of road tax to the State of Tamil Nadu, the petitioner is ready and willing to establish that they have already paid the road tax which is valid till 31.12.2022. However, in respect of certain other violations if any assuming without admitting, the petitioner is ready to settle the fine for the purpose of release of vehicle as detention of the vehicle would cause damage. The learned counsel for the petitioner reiterated that on payment of fine amount, the impounded vehicle may be released.

4. The learned Special Government Pleader raised an objection by stating that all the records are also to be produced during the verification as there are allegations against the petitioner and the vehicle was already impounded on 16.01.2022 and in the custody of the 2nd respondent for the past about 20 days.

5. In view of the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to pay the fine amount, if any demanded by the respondents for the purpose of release of vehicle, the grant of release is to be considered.

6. Accordingly, the petitioner is directed to approach the 2nd respondent along with all the original documents and proof regarding the payment of tax etc., and on such approach by



the petitioner, the 2nd respondent is directed to verify the documents and determine the fine amount or otherwise to be paid and in the event of paying the fine amount as determined by the competent authority, the vehicle belonging to the petitioner bearing registration No.KA 42 9559 is directed to be released forthwith. The 2nd respondent is directed to release the vehicle within a period of 24 hours from the payment of fine by the petitioner.

7. With these directions, the Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Jeni/cse
To

1.The Motor Vehicles Inspector, Grade I,
Regional Transport Office,
Kancheepuram - 631 552.

2.The Regional Transport Officer,
Kancheepuram - 631 552.

+1 CC to Mr.R.Srinivasulu, Advocate sr 7864
+1 CC to The Government Pleader sr 8049.

W.P.No.1979 of 2022

AKII(CO)
SP(23/02/2022)