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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.6575 OF 2022

M.Periyannan Mani

.. Petitioner

Vs.

1. The Regional Transport Officer,
Dharapuram Road, Kangeyam,
Erode District 638 701.
2. The Motor Vehicles Inspector, Grade I,
The Regional Transport Officer,
Dharapuram Road, Kangeyam,
Erode District 638 701.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to release the petitioner's Contract carriage vehicle bearing Registration No.TN 48 K 8555 which was impounded by the 2nd respondent on 07.03.2022 and kept in the custody of the 1st respondent office.

For Petitioner : Mr.S.Sarathkumar
for M/s.R.Srinivasalu

For Respondents : Mr.S.Arumugham
Government Advocate

O R D E R

This Writ Petition is filed for a direction to the respondents to release the petitioner's Contract carriage vehicle bearing Registration No.TN 48 K 8555 which was impounded by the 2nd respondent on 07.03.2022 and kept in the custody of the 1st respondent office.



2. By consent of the learned counsel appearing for the petitioner as well as the learned Government Advocate, who takes notice for the respondents, the Writ Petition is taken up for final disposal at the admission stage itself.

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3. According to the petitioner, he is the permit holder of Private Vehicle Service issued by Regional Transport Authority, Chittoor, in respect of the vehicle bearing Registration No. TN-48-K-8555. The permit is valid up to 25.12.2024. The petitioner paid taxes for the vehicle up to 31.12.2021 and insurance is also in force up to 16.12.2022. On 07.03.2022, when the petitioner's vehicle was plying near Dharapuram Road, Kangeyam, the vehicle was intercepted by the officials of the 2nd respondent. On inspection, it was found that the vehicle was carrying passengers from Bangalore without paying road tax. The vehicle was seized for violation of permit condition and check report was issued by the 2nd respondent on 07.03.2022. The 2nd respondent handed over the vehicle to the 1st respondent for their custody. Now the vehicle is parked in the open yard of the 1st respondent office.

4. The learned counsel appearing for the petitioner submitted that the petitioner did not commit any violation of permit condition. The petitioner used his vehicle only for carrying passengers from Andhra Pradesh to Tamil Nadu for tourist purpose. The petitioner is ready and willing to pay the weekly tax for the vehicle along with necessary compounding fee, if any. The vehicle is parked in the open yard and condition of the vehicle is deteriorating day-by-day and there are high chances for the vehicle parts to be stolen. The learned counsel for the petitioner further submitted that the petitioner is willing to pay road tax and compounding fee, if any and co-operate for the enquiry with the officials of the respondents.

5. Mr. S. Arumugham, learned Government Advocate appearing for the respondents submitted that if the petitioner pays road tax, compounding fee and other taxes, the respondents will consider the request of the petitioner for release of the vehicle.

6. Considering the fact that the vehicle is parked in the open yard of the 1st respondent office and petitioner is willing to pay necessary taxes, compounding fee if any and produce the original documents before the respondents, the 1st respondent is directed to inform the details of road tax and compounding fees if any, to be paid by the petitioner within a week from the date of receipt of a copy of this order. On receipt of the same, the petitioner is directed to produce all the documents and pay necessary road tax and compounding fee, if any, imposed by the respondents. On such payment, the respondents are directed to verify the documents produced by the petitioner and release the



vehicle bearing Registration No.TN 48 K 8555 forthwith.

With the above direction, the Writ Petition is allowed. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Regional Transport Officer,
Dharapuram Road, Kangeyam,
Erode District 638 701.
2. The Motor Vehicles Inspector, Grade I,
The Regional Transport Officer,
Dharapuram Road, Kangeyam,
Erode District 638 701.

+1cc to M/s.R.Srinivasalu, Advocate, S.R.No.18977
+1cc to the Government Pleader, S.R.No.19168

W.P.No.6575 of 2022

SSV(CO)
PM/22/03/2022