



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.10047 of 2022

Saravanan

.. Petitioner

Vs.

1. The State Transport Authority,
Chepauk, Chennai.
2. The Regional Transport Officer,
Regional Transport Office,
Tambaram.
3. The Motor Vehicle Inspector,
Grade - I, Regional Transport Office,
Poonamallee,
Chennai 600 071.
4. The Regional Transport Office,
Poonamallee,
Chennai 600 071.

.. 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 herein to release the Omni Bus bearing Registration No.TN 28 AL 8010 to ply on all roads of entire Tamil Nadu, impounded and kept in 4th respondent office.

For Petitioner : Mr.T.Padmanabhan

For Respondents: Mr.T.K.Saravanan
(Government Advocate)

O R D E R

This Writ Petition is filed by the petitioner seeking for a direction to the respondents to release the Omni Bus impounded and kept in the 4th respondent office.



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

WEB COPY

3.According to the petitioner, 3rd respondent seized the Omni Bus bearing Registration No.TN 28 AL 8010 on 02.11.2021 on the ground that at the time of inspection, the petitioner has not produced documents relating to Permit, Fitness Certificate and payment of road tax. The learned counsel appearing for the petitioner submitted that the petitioner could not get the Fitness Certificate due to Covid Pandemic situation. The petitioner made representation to the 4th respondent to release the vehicle and has stated that he will produce all the required documents. The said representation was not considered by the 4th respondent. Hence, the petitioner has come out with the present Writ Petition.

4.Mr.T.K.Saravanan, learned Government Advocate appearing for the respondents submitted that the petitioner has not paid the road tax for two months viz., October and November, 2021. Hence, the vehicle was seized. When a vehicle is seized, the owner has to make an application under Section 207 of the Motor Vehicles Act, producing all the required documents and has to give an affidavit of undertaking that he will not alienate the vehicle and produce the vehicle as and when required. The authority will consider the said application and pass the orders. The petitioner has not made any application under Section 207 of the Motor Vehicles Act. He further submitted that if the petitioner pays the road tax and produces the required documents, the vehicle will be released.

5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

6.Considering the above submission and the contention of the learned counsel appearing for the petitioner that the petitioner is ready to pay the road tax for the month of October and November 2021 by producing all the relevant documents to the respondents, the petitioner is hereby directed to pay the road tax to the 2nd respondent and produce all the necessary documents along with an affidavit of undertaking that he will produce the vehicle as and when required by the respondents. On receipt of such payment and all the relevant documents, the 4th respondent is directed to release the Omni Bus bearing Registration No.TN 28 AL 8010.



With the above directions, the Writ Petition is disposed of.
No costs.

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The State Transport Authority,
Chepauk, Chennai.
2. The Regional Transport Officer,
Regional Transport Office,
Tambaram.
3. The Motor Vehicle Inspector,
Grade - I, Regional Transport Office,
Poonamallee,
Chennai 600 071.
4. The Regional Transport Office,
Poonamallee,
Chennai 600 071.

+1cc to the Government Pleader, S.R.No.27696

+1cc to Mr.T.Padmanabhan, Advocate, Sr.No.27920(06/06/2022)

W.P.No.10047 of 2022

PA(CO)
CT 25/04/2022