IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.NO.26847 OF 2021

K.Anbazhagan ...Petitioner

Vs

1. The Commissioner,
   Department of Transport,
   Ezhilagam,
   Chepauk,
   Chennai - 600 005.

2. The Regional Transport Officer,
   RTO, Villupuram. ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 12.10.2021 to take necessary action against the 2nd respondent for the illegal collection of the compounding amount which is not fixed by the authority and issued receipt without writing the value of the collected amount and may direct the 2nd respondent to refund the collected amount of Rs.15,500/-.

For Petitioner : Ms.R.Pushpalatha
For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

This Writ Petition is filed seeking for a direction to the 1st respondent to consider the petitioner's representation dated 12.10.2021 to take necessary action against the 2nd respondent for the illegal collection of the compounding amount, which is not fixed by the authority and issued receipt without writing the value of the collected amount and further direction to the 2nd respondent to refund the collected amount of Rs.15,500/-.

2.According to the petitioner, he is the owner of goods carrier vehicle of Ashok Layland Lorry bearing Registration No.TN.59B9640. He is using the said vehicle for agricultural work. On 13.03.2021, while his driver Elumalai was driving the vehicle at Periya Sevalai Mundiyambakkam Kootrodu, a rider of the two wheeler bearing Registration No.TN.32AJ3845 drove his vehicle in a rash and negligent manner, dashed on the lorry and the accident has occurred. The rider of the two wheeler sustained injuries and died on the spot. FIR was registered in Crime No.201 of 2021 against the driver of the petitioner and the criminal case is pending. In the meantime, the 2nd respondent imposed a compoundable fine amount of Rs.5,000/- for the accident and the petitioner paid the said amount on 15.03.2021. According to the petitioner, the 2nd respondent issued receipt for the amount received, but has not mentioned the fine amount in the receipt. Thereafter, the 2nd respondent imposed an another fine amount of Rs.10,500/-. The petitioner has also paid the said amount through online on 09.06.2021 and received a Receipt No.TN.25D21060000031/ TN21060906150133. According to the petitioner, the 2nd respondent collected a sum of Rs.5,000/- and Rs.10,500/- for compounding the offence and Crime No.201 of 2021, is still pending on the file of Inspector of Police, Thiruvennainallur Police Station and the same is under investigation. The amount of Rs.15,500/- collected by the 2nd respondent is illegal. Hence, the petitioner made a complaint to the 1st respondent on 12.10.2021. Since no action was taken against the 2nd respondent, the petitioner has come out with the present Writ Petition.

3.The 2nd respondent filed counter affidavit and denied all the allegations made against him. Mr.T.K.Saravanan, learned Government Advocate appearing for the 2nd respondent submitted that on the request of the Inspector of Police, Thiruvennainallur Police Station, the goods vehicle of the petitioner was inspected by the Motor Vehicle Inspector, Grade I, Villupuram on 15.03.2021 and he issued only a check report No. 1478738 for the irregularities noticed at the time of checking. From the check report filed by the petitioner, it is seen that, the Motor Vehicle Inspector, Grade I, Villupuram, did not seize the petitioner's vehicle or any records of the vehicle. The permit to the petitioner's vehicle was issued by the Secretary, Regional Transport Authority, Thiruvannamalai. Hence, the check report of the Motor Vehicle Inspector was forwarded to the Regional Transport Officer, Thriuvannamalai, for further action under Section 86(1) of the Motor Vehicles Act, 1988, for the irregularities noticed in the check report. The Regional Transport Officer, Thriuvannamalai, took action on the check report and the petitioner paid necessary compounding fee of Rs. 10,500/- in Receipt No.TN25D21060000031 on 09.06.2021, to the account of the Regional Transport Officer, Thiruvannamalai, in lieu of suspension of permit. The compounding fee of Rs.10,500/- paid by the petitioner was fixed by the Regional Transport Officer, Thiruvannamalai, for the irregularities noticed in the check report issued by the Motor Vehicle Inspector, Grade I, Villupuram, at the time of inspection of accident vehicle, in lieu of suspension of permit under Section 86 of the Motor Vehicles Act, 1988. The 2nd respondent or the Motor Vehicle Inspector, Grade I, Villupuram did not collect any amount from the petitioner. The petitioner paid money through online only to the account of the Regional Transport Officer, Thiruvannamalai. Hence, the question of refund of Rs.15,500/- does not arise and prayed for dismissal of the Writ Petition.

4.Heard the learned counsel appearing for the petitioner as well as Mr.T.K.Saravanan, learned Government Advocate appearing for the respondents and perused the materials available on record.

5.It is the case of the petitioner that on 13.03.2021, his goods vehicle was involved in the fatal accident. According to the petitioner, the 2nd respondent collected a sum of Rs.5,000/- as compounding fee and issued receipt without mentioning the amount paid. The petitioner has not produced such receipt before this Court. According to the 2nd respondent, he did not receive any amount from the petitioner. On the other hand, on the information from the Inspector of Police, Thiruvennainallur Police Station, the Motor Vehicle Inspector, Grade I, Villupuram, inspected the petitioner's vehicle on 15.03.2021 and issued check report No.1478738 for the irregularities noticed at the time of checking. The Motor Vehicle Inspector, Grade I, Villupuram also did not collect any amount from the petitioner. Further, he did not seize the vehicle or the documents of the vehicle of the petitioner.

6.From the above materials, it is seen that, the permit of the vehicle was issued by the Secretary, Regional Transport Authority, Thiruvannamalai and the check report was forwarded to the Regional Transport Officer, Thiruvannamalai. The Regional Transport Officer, Thiruvannamalai, imposed a compounding fee of Rs.10,500/-, in lieu of suspension of permit. The petitioner paid the said amount through online to the account of the Regional Transport Officer, Thiruvannamalai and received a receipt No.TN25D21060000031 dated 09.06.2021. The petitioner has not produced the alleged receipt for having paid the amount on the date of inspection of vehicle. On the other hand, it is seen that, the matter was referred to the Regional Transport Officer, Thiruvannamalai, who imposed compounding fee of Rs.10,500/- in lieu of suspension of permit. The learned Government Advocate appearing for the respondents also produced receipt for Rs.10,500/- paid by the petitioner to show that the said amount was paid to the Regional Transport Officer, Thiruvannamalai, through online. The petitioner has not substantiated his claim that 2nd respondent received a sum of Rs.5,000/- and another sum of Rs.10,500/- as compounding fees and hence, the present Writ Petition is liable to be dismissed.

7.For the above reasons, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
   Department of Transport,
   Ezhilagam, Chepauk,
   Chennai – 600 005.

2. The Regional Transport Officer,
   RTO, Villupuram.

+1cc to Ms.R.Pushpalatha, Advocate, S.R.No.20675
+1cc to the Government Pleader, S.R.No.20613

W.P.No.26847 of 2021

MG(CO)
PM/13/04/2022