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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.26277 of 2021
and W.M.P.No.27727 of 2021

Sreeraj M Nair

.. Petitioner

Vs.

1.The Regional Transport Officer,
Hosur,
Krishnagiri District.

2.The Inspector of Police,
Sipcot Police Station,
Hosur,
Krishnagiri District.

.. 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 Ashok Leyland ALPSV4/161/BUS bearing Registration No.KL 39 E 0196 and in a time bound period as claimed by the petitioner in his representation dated 24.11.2021 and reminder dated 30.11.2021 and for other reliefs.

For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr.S.Ravikumar
Special Government Pleader

O R D E R

This Writ Petition is filed for a direction to the respondents to release the Ashok Leyland ALPSV4/161/BUS bearing Registration No.KL 39 E 0196 and in a time bound period as claimed by the petitioner in his representation dated 24.11.2021 and reminder dated 30.11.2021 and for other reliefs.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the entire materials available on record.



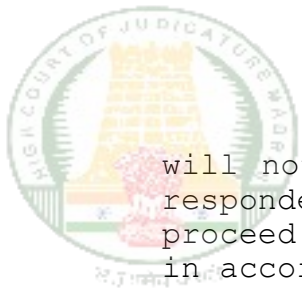
3. The petitioner is a contract carriage operator with All India Permit. While running the Bus from Bangalore to Kerala via Tamil Nadu, the 1st respondent checked the Bus at Hosur Check Post. The 1st respondent informed the driver of the Bus that documents produced by the driver are fabricated and informed the 2nd respondent to take the Bus in their custody. The Bus was taken by the 2nd respondent and parked in the open yard in the Police Station. The petitioner has paid Tamil Nadu Road Tax through an agent by name Raju Naik and now he is missing. The petitioner has come out with the present Writ Petition seeking release of vehicle as the same is parked in the 2nd respondent Police Station. Unless the Bus is released and run, the petitioner will not be in a position to pay the EMI to the financier. In such circumstances, the petitioner gave representation to the 1st respondent to release the vehicle by invoking Section 207 (2) of the Motor Vehicles Act, 1988 (hereinafter referred to as, 'the Act'). The said Section reads as follows:

"207. Power to detain vehicles used without certificate of registration, permit, etc. -

(2) Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government, together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order, release the vehicle subject to such conditions as the authority or officer may deem fit to impose."

As per sub-section (2) of Section 207 of the Act, when the vehicle is seized, owner is entitled for release of vehicle on production of relevant documents. The authority, after verifying the documents, can release the vehicle imposing conditions. In the present case, the vehicle was seized on 22.11.2021 and from that date onwards, the vehicle is kept in the open yard of the 2nd respondent Police Station.

4. In view of sub-section (2) of Section 207 of the Act, the petitioner is directed to produce all the documents before the 1st respondent. The 1st respondent is directed to return the petitioner's vehicle viz., Ashok Leyland ALPSV4/161/BUS bearing Registration No. KL 39 E 0196 to the petitioner forthwith, after verification of relevant documents produced by the petitioner and also on payment of applicable tax and on further condition that the petitioner shall file an affidavit of undertaking to the effect that the petitioner shall produce the petition mentioned vehicle as and when required by the respondents and



will not alienate the same without prior permission from the 1st respondent forthwith. It is also open to the 1st respondent to proceed against the petitioner for violation of permit condition in accordance with law.

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With the above direction, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Regional Transport Officer,
Hosur,
Krishnagiri District.

2.The Inspector of Police,
Sipcot Police Station,
Hosur,
Krishnagiri District.

+1 cc to Mr.K.Mohanamurali, Advocate Sr.NO. 15425

+1 cc to Government Pleader Sr.NO. 15882

W.P.No.26277 of 2021

NMI (CO)

A.SK(10/03/2022)