



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.4950 of 2022

Anand

... Petitioner

WEB COPY

Vs.

1.The Zonal Transport Authority,
Tirunelveli No.111 NGOB Colony,
(RTO Office Tirunelveli Upstairs)
Palayamottai,
Tirunelveli District-627 007.

2.The Regional Transport Officer,
Tiruchendur,
Thoothukudi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to release petitioner's Mahindra diesel trekker bearing Registration No.TN-49-W-4973, seized by the second respondent Transport Officer, by considering his representation dated 12.03.2022, within a time stipulated by this Court.

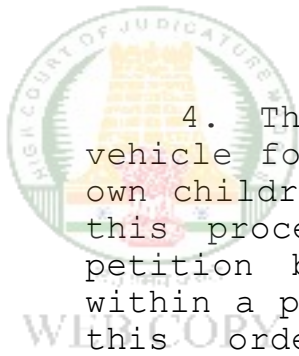
For Petitioner	: S.Mandhiralingeswaran
For Respondents	: Mr.M.Prakash Additional Government Pleader

ORDER

The petitioner claims to be an owner of the seized vehicle, which was originally registered in the name of one Thiru.Senthurpandi, Sathankulam Taluk. Later, the vehicle was transferred to one S.Saravanaperumal, Tirunelveli and thereafter purchased by the petitioner. The vehicle was carrying his school going children on the date of its seizure.

2. It is the case of the petitioner that the petitioner was dropping his own children and that the vehicle was not used for hire. It is therefore submitted that the vehicle is of own use vehicle and not as a public carrier.

3. The learned counsel for the petitioner submits that the petitioner has all the documents for effecting name transfer, but, however, due to out break of pandemic and lock down imposed, he did not file applications for transferring the name from previous owner, S.Saravanaperumal, to his name.



4. The issue as to whether the petitioner was using the vehicle for livelihood or whether the petitioner was carrying his own children is the matter of evidence, which cannot be decided in this proceeding. However, I am inclined to dispose this writ petition by directing the authorities to effect name transfer within a period of thirty days from the date of receipt of copy of this order subject to the petitioner filing appropriate applications before the respondents. In case, such an application is filed, name transfer effected, the respondents shall release the vehicle to the petitioner. The vehicle shall be kept under watch. In case, the petitioner is found using the vehicle for commercial purpose, the respondents may take appropriate action in accordance with law. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sn

To

1.The Zonal Transport Authority,
Tirunelveli No.111 NGOB Colony,
(RTO Office Tirunelveli Upstairs)
Palayamottai,
Tirunelveli District-627 007.

2.The Regional Transport Officer,
Tiruchendur,
Thoothukudi District.

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-15477[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-16108[F] dated 01/04/2022)

W.P (MD) .No.4950 of 2022

30.03.2022

PA(13.04.2022) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>



PA(13.04.2022) 3P C

WEB COPY