



Writ Petition No.4928 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21/2/2023

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.4928 of 2023

G. Mani

...

Petitioner

Vs

1. The Transport Commissioner
Home (Transport) Department
Government of Tamil Nadu
Ezhilagam II Floor, Chepauk
Chennai 600 005.

2. The Regional Transport Officer
Regional Transport Office
Salem West
Salem District.

3. The Motor Vehicles Inspector Gr.I
Regional Transport Office
Salem West
Salem District.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 2 and 3 to release the car “Renault Lodgy” bearing Registration No.TN99J-7595 to the petitioner which has been seized on 28/9/2022 and keeping under the custody of the second respondent office.



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Writ Petition No.4928 of 2023

For Petitioner ... Mr.C.Kulanthaivel
For respondents ... Mr.N.Naveenkumar
Government Advocate

ORDER

This writ petition has been filed to direct the respondents 2 and 3 to release the car “Renault Lodgy” bearing Registration No.TN99J-7595 to the petitioner which has been seized on 28/9/2022 and keeping under the custody of the second respondent office.

2. The case of the petitioner is that he has purchased a car viz., “Renault Lodgy” bearing Registration No.TN-99-J-7595 from its first owner through a broker and transferred the ownership into the name of the petitioner with R.T.O at Omalure UO, on 9/8/2021. R.T.O at Omalure UO, transferred the ownership in the name of the petitioner after verifying the valid registration and other payment of tax particulars manually and also from the on-line Government website maintained by the Department of Home (Transport), Government of Tamil Nadu.



3. However, third respondent, on 28/9/2022, seized the vehicle of the petitioner, on the ground of payment of life tax and original registration for the vehicle and informed that vehicle will be released after written orders from the second respondent.

4. Hence, the petitioner had submitted a representation, dated 18/10/2022 before the second respondent and also undertaken to pay any other fees. Since there was no response, the petitioner gave a representation, dated 31/10/2022 to the first respondent. But there was no response. Hence, the petitioner has come forward with the present writ petition praying for the relief as stated therein.

5. Heard Mr.C.Kulanthaivel, learned counsel for the petitioner.

6. Mr.N.Naveenkumar, learned Government Advocate takes notice for the respondents.

7. By consent, the writ petition is taken up for final disposal.

8. Perused the materials available on record.



Writ Petition No.4928 of 2023

9. It is not disputed that the petitioner is the subsequent purchaser of the aforesaid vehicle. Keeping the vehicle in the custody of the respondents will diminish the value of the vehicle and since there is every chance of the vehicle being exposed to nature, the petitioner shall file an affidavit before the concerned respondent authority/second respondent to the effect that in the event of release of the vehicle, the petitioner will not ply the vehicle on road till the matter is finally decided and on filing such an affidavit, second respondent is directed to release the vehicle of the petitioner. It is also made it clear that the petitioner shall not alienate/transfer/modify the nature of the vehicle during the pendency of the proceedings initiated by the Regional Transport Officer.

10. With the aforesaid direction, this writ petition is disposed of. No costs.

21/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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