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W.P.No.6040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.6040 of 2023

T.Sasikala

... Petitioner

Versus

1. The Transport commissioner,
Home (Transport) Department,
Government of Tamil Nadu,
Ezhilagam, 2nd floor,
Chepauk, Chennai 600005.

2. The Regional Transport Officer,
Regional Transport Office,
Namakkal South, Madalaipettai,
Namakkal District.

3. The Inspector of Police,
Namakkal Town Police Station,
Trichy Main Road, Namakkal.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 2 and 3 to release the vehicle GRAND 110 MAGNA bearing registration number TN 10 BF 6686 to the petitioner which has been seized on 10.10.2022 and keeping under the custody of the 3rd respondent.



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W.P.No.6040 of 2023

For Petitioner : Mr.C.Kulanthaivel

For Respondent : Mr.N.Naveen Kumar, GA
RR1 to 3

ORDER

This writ petition has been filed seeking a direction to the respondents 2 and 3 to release the vehicle GRAND i10 MAGNA bearing registration number TN 10 BF 6686 to the petitioner, which has been seized on 10.10.2022 and keeping under the custody of the 3rd respondent.

2. The case of the petitioner is that she has purchased a car "Grand i10 Magna" bearing registration No.TN 10 BF 6686 from the first owner through a broker and transferred the ownership in her favour before the second respondent on 06.05.2022. Such being the position, the officer of the second respondent came to the petitioner's house on 10.10.2022, seized the car suspecting the payment of road tax and original registration and kept under the 3rd respondent custody. It is further submitted that despite several representations having been given to the respondents to release the car, the same has not been done. Hence, the present petition.

3. The learned Government Advocate appearing on behalf of the respondents submitted that on verification of records of the vehicle, the



W.P.No.6040 of 2023

authorities came to know that the car was registered with RTO, Madalaipettai, Namakkal, but, on further verification about the payment of lifetime tax and it shows that the tax has to be paid at RTO, Chennai (South West). It further states that there are no particulars of payment of Road Safety Tax and Payment Registration Fee. Similarly, registration number 8 and totalling 8 is not allotted to any one as per the provisions under the proviso to Rule 91(1) of Tamil Nadu Motor Vehicles Rules, 1989. According to the respondents, the vehicle has been registered by creating fake documents in Portal and therefore submitted that the cancellation done as per the provision under Section 55(5) of the Motor Vehicles Act is just and proper.

4. Heard the learned counsel for the parties and perused the materials records of the case.

5. It is not disputed by the respondents submission that the petitioner is only a subsequent purchaser of the vehicle. The vehicle has been seized mainly on the ground of registration by creating false records at different offices and the investigation is also under process. However, it is stated that the petitioner being a subsequent purchaser has no role to play in creation of the



W.P.No.6040 of 2023

WEB COPY

false documents. However, to ply the vehicles in the public road, necessary registration is required. When the registration certificate itself is found to be false and the investigation is under process, allowing such vehicles to ply on the public road would cause serious prejudice to the public at large. In such view of the matter, the petitioner cannot ply the vehicle. Though Section 207(2) of the Motor Vehicles Act demands that necessary documents to be produced for release of the vehicle, this Court is of the considered view that the registration of documents itself is doubtful and the investigation is under process, and keeping the vehicle in 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, the second respondent is directed to release the vehicle of the petitioner. It is also made 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.

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



W.P.No.6040 of 2023

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W.P.No.6040 of 2023

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rli

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