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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **11.04.2023**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11051 of 2023

V.Suresh ...Petitioner

Vs

1. The Motor Vehicle Inspector Grade -I
   The Regional Transport Office
   Chennai Central, Chennai 600 023

2. The Regional Transport Officer,
   The Regional Transport Office,
   Chennai – Central, Chennai 600 023

3. The Regional Transport Officer,
   The Regional Transport Office,
   Chennai – North, Chennai 600 009

[Suo-motu impleaded as the 3rd respondent vide order dated 11051 of 2023 dated 11.04.2023] ...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent herein to release the petitioner's maxi cab bearing

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Registration No.TN-20BE7993 (Seized by the 1st respondent now in the custody of the 2nd respondent), forthwith.

For Petitioner : Mr.S.Sarathkumar
for Mr.A.Ganesan
For Respondents : Mr.R.Kumaravel
Additional Government Pleader

O R D E R

The Regional Transport Officer, The Regional Transport Office, Chennai – North, Chennai 600 009, is Suo-motu impleaded as the 3rd respondent in this Writ petition. Mr.R.Kumaravel, learned Additional Government Pleader takes notice on behalf of respondents.

2. This writ petition has been filed for the issue of writ of Mandamus directing the respondents to release the vehicle belonging to the petitioner.

3. The case of the petitioner is that he owns a maxi cab bearing Registration No.TN-20-BE-7993 and he is using

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this vehicle to carry passengers and it has been put to commercial purposes. On 18.02.2023, the 1st respondent conducted an inspection and three violations were found and they are :-

(a) The petitioner was not wearing the seat belt.

(b) The petitioner did not pay the road tax after 30.09.2022 and

(c) The petitioner has violated the permit condition by collecting extra amount from the passengers.

4. In view of the above, the vehicle was seized and it was kept in the office of the 3rd respondent. That apart, the learned Additional Government Pleader brought to the notice of this Court that the 3rd respondent also passed an order on 16.08.2023 to the effect that the petitioner must pay a fine amount of Rs.1,000/- for not wearing the seat belt and a fine amount of Rs.10,000/- for violation of the permit condition. Apart from that, a fine amount of Rs.500/- was also imposed,

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since the petitioner did not wear the driver uniform. In all, a total fine of Rs.11,500/- was imposed on the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner has already paid the road tax. To substantiate the same, the tax receipts that were issued for the payment of the road tax was pointed out at Page No.19 and 20 of the typed set of papers. The learned counsel for petitioner further submitted that the petitioner will pay the fine amount as demanded by the 3rd respondent and pursuant to the same, the learned counsel wanted this Court to direct the 3rd respondent to immediately release the vehicle.

6. In reply to the above submission, the learned Additional Government Pleader submitted that once the petitioner pays the entire amount of Rs.11,500/- to the 3rd respondent, the vehicle will be released.

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7. In the light of the above submissions, there shall be a direction to the petitioner to pay the entire amount of Rs.11,500/- to the 3rd respondent. On receipt of the same, the 3rd respondent shall release the vehicle after ensuring that the petitioner has paid the road tax after 30.09.2022.

8. The writ petition is disposed of with the above directions. No costs. The Registry is directed to carryout the necessary impleadment in the cause-title.

11.04.2023

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Note : Issue order copy on 12.04.2023

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N.ANAND VENKATESH,J.,

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To

1. The Motor Vehicle Inspector Grade -I
   The Regional Transport Office
   Chennai Central, Chennai 600 023

2. The Regional Transport Officer,
   The Regional Transport Office,
   Chennai – Central, Chennai 600 023

3. The Regional Transport Officer,
   The Regional Transport Office,
   Chennai – North, Chennai 600 009.

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