



Writ Petition No.17010 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17010 of 2023

C.Senthamizhselvi
W/o.Chandran

...Petitioner

Vs

1.The State Transport Authority,
Chepauk, Chennai.

2.The Regional Transport Officer,
Chidambaram.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to release the petitioner's vehicle bearing Registration No.TN-31/BE-3585 plying on the route "Chidambaram to Tindivanam" impounded by the Motor Vehicles Inspector Grade-I, Regional Transport Officer, Chidambaram and kept in the custody of the second respondent along with the original documents viz., Registration Certificate, Permit, Fitness Certificate, Insurance Certificate etc., lying with the first respondent.



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For Petitioner : Mr.S.Radha Gopalan

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This writ petition has been filed by a Stage Carriage Operator for the issue of a writ of mandamus directing the respondents to release the vehicle belonging to the petitioner, which was impounded on 08.05.2023.

2. Heard Mr.S.Radha Gopalan, learned counsel for petitioner and Mr.A.M.Ayyadurai, learned Government Advocate appearing for respondents.

3. The case of the petitioner is that she is a stage carriage operator having permit to ply on the interstate route between Chidambaram and Tindivanam. On 04.05.2023, the vehicle was checked by the Motor Vehicle Inspector, Grade-I, RTO Office, Chidambaram and a check report was issued by pointing out certain deficiencies. It seems that a separate Form CFX notice was also issued under Rule 119 of the Tamil Nadu Motor Vehicles Rules by pointing out six defects in the vehicle. The petitioner has



taken a specific stand that the CFX notice was issued separately and hence, the petitioner was not aware about the issuance of CFX notice and was only made aware of the check report that was issued. Hence, the vehicle was put to use even subsequent to the issuance of CFX notice.

4. On 08.05.2023, the vehicle was once again checked at Chidambaram bus stand and it was ascertained that the vehicle is being put to use even after the issuance of CFX notice. Hence, the vehicle was immediately impounded and it is kept in the custody of the second respondent.

5. The petitioner made a detailed representation dated 12.05.2023 and explained the circumstances under which the vehicle was permitted to be used without being aware of the CFX notice. The petitioner had sought for a pardon from the authority and had also undertaken that the defects that were pointed out in the CFX notice will be carried out by leaving the vehicle in the workshop and after the revocation of the CFX notice and on being satisfied that the petitioner has carried out all the repair works, the petitioner will ply the vehicle only after obtaining the fresh fitness certificate. Since this



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representation was not considered and the vehicle was kept in the custody of the second respondent, the present writ petition has been filed before this Court.

6. Insofar as the defects that were pointed out in the CFX notice, the petitioner paid the compounding amount of Rs.21,500/- on 30.05.2023 and it is reflected in the Vahan Portal. That apart, the petitioner has also produced all the documents that were pointed out in the vehicle inspection record dated 04.05.2023.

7. In the considered view of this Court, as per Section 207 of the Motor Vehicles Act, 1988 [for brevity 'the Act'] the second respondent is vested with the powers of release of vehicle. The petitioner has already made a representation on 12.05.2023 to the second respondent in this regard and the same can be treated as an application for the release of vehicle u/s.207(2) of the Act. It will always be left open to the second respondent to release the vehicle to enable the petitioner to carry out repairs and produce the same before the concerned authority. The concerned authority can conduct an inspection and satisfy himself that the petitioner has carried out all the



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repairs pointed out in the CFX notice. Thereafter, the CFX notice can be revoked and a fresh fitness certificate will be granted to the petitioner and thereafter, the petitioner can be permitted to ply the vehicle as per the permit given to the petitioner. It will be left open to the second respondent to impose any conditions by considering the undertaking that has already been given by the petitioner to the effect that she will not ply the vehicle on the public road till the CFX notice is revoked and the fresh fitness certificate is obtained by the petitioner. After getting necessary undertaking from the petitioner and putting the petitioner on conditions, the vehicle shall be released along with all relevant documents. The petitioner shall thereafter give the vehicle for repairs to the concerned workshop and after carrying out the defects, the vehicle shall be produced before the second respondent and the second respondent shall thereafter inspect the vehicle to satisfy himself that the defects have been carried out. Thereafter, a fresh fitness certificate shall be obtained by the petitioner and on being satisfied with the same, the petitioner can be permitted to ply the vehicle as per the permit granted to the petitioner.



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N.ANAND VENKATESH, J

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8. The petitioner is directed to make a fresh representation to the second respondent along with a copy of the representation dated 12.05.2023 and also a copy of this order.

This writ petition is disposed of with the above direction. No costs.

08.06.2023

Note to office: Issue order copy by 09.06.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The State Transport Authority,
Chepauk, Chennai.

2.The Regional Transport Officer,
Chidambaram.

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