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W.P.No.19269 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED :19.09.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE S.SOUNTHAR**

**W.P No.19269 of 2023 and**

**W.M.P.No.25678 of 2023**

N.Krishnan

...Petitioner

Vs.

1.The Regional Transport Officer,  
Sangagiri, Salem District.

2.The Motor Vehicle Inspector,  
O/o. Regional Transport Office,  
Sangagiri, Salem District.

3.V.R.Nachimuthu

..Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to release the Agricultural Tractor Cum JCB bearing Registration No. TN-28-J-1020 seized by the 2<sup>nd</sup> respondent on 12.05.2023 to the petitioner.

For Petitioner

: Ms.R. Hemalatha

For Respondents 1 &2

: Mr.R.U. Dinesh Raj Kumar,  
Additional Government Pleader

For respondent 3

: M/s.Ganesh and Ganesh



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### **ORDER**

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The petitioner herein seeks direction to 1<sup>st</sup> respondent to release the Agricultural Tractor cum JCB bearing registration No.TN-28-J-1020 seized by the 2<sup>nd</sup> respondent on 12.05.2023 to the petitioner.

2. It is the case of the petitioner that he is an agriculturist raising crops like sugarcane, tapioca, paddy, Sego, Mango trees, coconut trees etc. The petitioner purchased the agricultural tractor cum JCB bearing registration No.TN-28-J-1020 from the 3<sup>rd</sup> respondent for a value of Rs.1 lakh and the vehicle was delivered to him on 12.05.2023. After taking delivery of the vehicle, when the petitioner was on his way of Sangagiri, the 2<sup>nd</sup> respondent has seized the vehicle for failure of the driver to produce original driving license, road tax receipt, RC book etc., for the vehicle. Thereafter, the petitioner submitted a representation to the 1<sup>st</sup> respondent seeking release of the vehicle but the same has not been considered.

3. It is the specific case of the petitioner that his vehicle is stationed in the 1<sup>st</sup> respondent office and is being exposed to hot sun and rain. If the



vehicle is kept in an idle state by exposing the same to sun and rain, the utility of the vehicle will get affected. Therefore, the petitioner has come by way of writ petition seeking direction to 1<sup>st</sup> respondent to release the vehicle seized by the 2<sup>nd</sup> respondent.

4. Mr.R.U.Dinesh Rajkumar, learned Addititonal Government Pleader for the 1<sup>st</sup> and 2<sup>nd</sup> respondent submitted that when the petitioner's vehicle was checked on 12.05.2023, near bypass road, Sangagiri, the petitioner failed to produce any evidence for payment of road tax and the driver also failed to produce the driving license. It is also submitted that the petitioner failed to produce the Fitness Certificate for the vehicle and renewal of the registration beyond 01.12.2021.

5. In the counter affidavit filed by the 1<sup>st</sup> respondent, it is also mentioned that the petitioner has been instructed to produce necessary original documents in respect of his vehicle evidencing payment of road tax to the Government and if such document is produced, the request of the petitioner for release of the vehicle will be considered.



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6. The learned counsel for the 3<sup>rd</sup> respondent submits that 3<sup>rd</sup> respondent has sold the vehicle to the petitioner and the 3<sup>rd</sup> respondent has no objection in release of the vehicle in favour of the petitioner. The said statement along with affidavit filed by the 3<sup>rd</sup> respondent dated 14.09.2023 is recorded.

7. The main grievance of the petitioner is that the vehicle seized by the 2<sup>nd</sup> respondent is stationed in the office of the 1<sup>st</sup> respondent exposing the same to sun and rain. If the motorcycle is kept in an idle state and exposed to sun and rain, certainly the machineries will get affected. Therefore, the petitioner is entitled to get back the vehicle as indicated below.. However, he should produce the original RC book together with valid Fitness Certificate and receipt for payment of road tax to the 1<sup>st</sup> respondent.

8. At this juncture, the learned counsel for the petitioner submits that there would be difficulty for the petitioner to apply for Fitness Certificate as the vehicle is not with him and it is kept idle from May 2023. In such circumstances, the 1<sup>st</sup> respondent is directed to release the vehicle temporarily to the petitioner to enable him to apply for Fitness Certificate. The petitioner



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shall produce the original RC book, Fitness Certificate together with evidence for payment of proper road tax along with vehicle to the 1<sup>st</sup> respondent within a period of two weeks from the date of receipt of a copy of this order. Till then, the petitioner shall not operate the vehicle.

9. The vehicle is temporarily released to enable the petitioner to apply for fitness certificate. On production of these three documents along with vehicle by the petitioner, the 1<sup>st</sup> respondent shall consider the request of the petitioner for release of the vehicle if the petitioner is otherwise entitled.

10. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

**19.09.2023**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No  
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**S.SOUNTHAR, J.**

nr

To

1.The Regional Transport Officer,  
Sangagiri, Salem District.

2.The Motor Vehicle Inspector,  
O/o. Regional Transport Office,  
Sangagiri, Salem District.

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