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W.P.No.21430 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.21430 of 2023

and

WMP.No.20829 of 2023

R.Baranidharan

...Petitioner

Vs.

1.The Motor Vehicle Inspector
Grade I, Regional Transport Officer
Chidambaram.

2.The Regional Transport Officer
Chidambaram.

3.The Transport Commissioner
Chepauk, Chennai – 5.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second and third respondents herein to release the petitioner's stage carriage bus PY-01/CB-9229 (seized by the first respondent now with the custody of the second respondent), forthwith.



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For Petitioner : Mr.K.Hariharan

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents 2 & 3 to release the petitioner's stage carriage bus PY-01/CB-9229 immediately.

2. According to the petitioner, he is an interstate stage carriage bus operator plying the bus between Puducherry to Karaikal. On 06.07.2023 when the bus was on its regular trip, the first respondent checked the bus and seized the same for failure of the petitioner to produce the original records relating to the bus.

3. It is also alleged that the bus of the petitioner deviated from originally permitted route. The petitioner sent a representation to the second respondent on 07.07.2023 requesting him to release the bus.



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4. The learned counsel for the petitioner by relying Section 207 (2) of the Motor Vehicles Act, 1988, submitted whenever the bus is seized under Section 207(1) of the Motor Vehicles Act, 1988, if the owner of the bus approached the concerned Authority with relevant documents, after verification of the same, the bus shall be released with the conditions if any.

5. A reading of the above provision would make it clear that if the owner of the vehicle made a request for release of the vehicle by producing the relevant documents, the same shall be released. However, the Competent Authority is entitled to impose any conditions at the time of release. In the case on hand, inspite of the request, the petitioner's bus has not been released and consequently the petitioner is constrained to approach this Court.

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

7. In view of the undisputed facts, this Court is inclined to issue a direction to the second respondent to release the petitioner's bus bearing No.PY-01/CB-9229, subject to the following conditions;



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(i) *The petitioner shall produce all original documents relating to the bus.*

(ii) *The petitioner shall file an affidavit of undertaking that he would produce the bus as and when required by the respondents and he would not alienate the bus without getting prior permission from the respondents.*

8. It is also open to the respondents to proceed against the petitioner for the alleged violation of permit condition in accordance with law.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

19.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

Note : Issue order copy on 20.07.2023



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To

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S.SOUNTHAR, J.

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