



WEB COPY



W.P.No.24496 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24496 of 2023

R.P. Bhabesh

...Petitioner

Vs.

1.The Transport Commissioner,
Home(Transport) Department,
Government of Tamil Nadu,
Ezhilagam, 2nd floor, Chepauk,
Chennai – 600 005.

2.The Regional Transport Officer,
Regional Transport Office,
Krishnagiri,
Krishnagiri District.

3.The Motor Vehicles Inspector Gr-I,
Regional Transport Office,
Krishnagiri,
Krishnagiri District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to release the car “Tavera LS” bearing registration number TN10BF2915, permitting the



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petitioner to retain custody of the car ensuring that the vehicle does not remain idle and deteriorate in the RTO office by considering the petitioners representation dated 10.07.2023.

For Petitioner :Mr. M. Mohamed Afridi
for Mr.R.Jayaprakash

For Respondents : Mr. N. Naveen Kumar,
Government Advocate

ORDER

The petitioner herein seeks direction to 2nd respondent to release the vehicle “Tavera LS” bearing registration number TN10BF2915, to the petitioner which has been seized by the 2nd respondent on 13.01.2023.

2. It is the case of the petitioner that he purchased the above said car from a third party. The 2nd respondent herein seized the vehicle on 13.01.2023 on the ground that the registration of the vehicle is a fake one.

3. The petitioner submits that he is the 2nd owner of the vehicle and he had no role in original registration of the vehicle. It is also stated that at the



time of purchasing the vehicle from the 1st owner, he duly verified the details of the vehicle and purchased the same and obtained transfer of ownership. It is the specific case of the petitioner that the 2nd respondent vide his proceedings in Na.Ka.No.50633-E1-2022 dated 13.04.2023 informed petitioner about enquiry for cancellation of car's Registration Certificate under Section 55 of the Motor Vehicles Act. It is further stated that the vehicle cannot be released since the inquiry is pending before the 2nd respondent.

4. The learned counsel for the petitioner submits that he is an innocent purchaser and he has no role in original registration of the vehicle. However, in order to ply the vehicle in public road, a valid registration is required. The issue involved in this case is covered by order passed in W.P.No.18928 of 2023 dated 26.06.2023 and W.P.No.31360 of 2022 dated 12.01.2023, wherein vehicle was ordered to be returned to the similarly placed petitioners therein subject to certain strict conditions.

5. In the case on hand, the respondents are investigating into the validity and genuineness of the original Registration Certificate issued to the



vehicle. In such circumstances, the vehicle cannot be allowed to ply in the road. However, if the vehicle is kept idle in the custody of the respondents, it will diminish the value of the vehicle. In such circumstances, the vehicle shall be handed over to the petitioner subject to the following conditions:-

a) The petitioner is directed to give an undertaking before the concerned RTO that the car will be kept in the residence and it will not be put to use at any point of time.

b) The petitioner shall surrender the original RC book and also the original insurance policy to the concerned RTO.

c) The petitioner shall attend the enquiry conducted by the RTO or any other authority and shall co-operate in providing the details as to the person from whom the car was purchased, the amount that was given etc. The petitioner is permitted to take back the car only on the strict compliance of this condition.



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d)The petitioner shall submit a monthly report before the concerned RTO reiterating that the vehicle has not been put to use and that the undertaking given at the time of taking custody of the car is strictly complied with.

6. The respondents are directed to handover the custody of the vehicle to the petitioner subject to petitioner satisfying the above conditions.

7. With the above directions, this writ petition is disposed of. No costs.

04.09.2023
(3/4)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr
Note:Issue order copy on 12.09.2023

To
1.The Transport Commissioner,
Home(Transport) Department,
Government of Tamil Nadu,
Ezhilagam, 2nd floor, Chepauk,
Chennai – 600 005.

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S.SOUNTHAR, J.

nr

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