



WEB COPY



W.P.No.25691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.No.25691 of 2023

and

W.M.P.No.25117 of 2023

N. Sivaraj

...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,
Kumarapalayam,
Namakkal District.

3.The Motor Vehicles Inspector Gr-I,
Regional Transport Office,
Kumarapalayam,
Namakkal 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



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the Vehicle 'MARUTHI SWIFTLDI' bearing registration number TN 99-J-7379 to the petitioner which has been seized on 30.09.2022 keeping under the custody of 2nd respondent.

For Petitioner : Mr.T. Sundaramurthy
For Respondents : Mr.N.Naveen Kumar,
Government Advocate.

ORDER

The petitioner herein seeks direction to 2nd respondent to release the vehicle MARUTHI SWIFTLDI bearing registration No. TN 99-J-7379 to the petitioner which has been seized by the 2nd respondent on 30.09.2022.

2. It is the case of the petitioner that he purchased the above said car through a broker. The 3rd respondent herein seized the vehicle on 30.09.2022 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 through online and purchased the vehicle through an agent and obtained transfer of ownership. After seizure of the vehicle, the 3rd respondent directed the petitioner to produce the Registration Certificate, Insurance Policy and Driving License etc., and the petitioner produced originals of all the documents before the 3rd respondent and in spite of the same, the vehicle has been kept under the custody of the respondents.

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.

d)The petitioner shall submit a monthly report before the concerned



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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. Consequently, connected miscellaneous petition is closed. No costs.

31.08.2023
(¼)

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

To

1. The Transport Commissioner,
Home(Transport) Department,
Government of Tamil Nadu,
Ezhilagam 2nd Floor,

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Chepauk, Chennai – 600 005.

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S.SOUNTHAR, J.

nr

- 2.The Regional Transport Officer,
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Namakkal District.
- 3.The Motor Vehicles Inspector Gr-I,
Regional Transport Office,
Kumarapalayam,
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