



WEB COPY



W.P.No.29043 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.29043 of 2023

M.Khurram Ahmed

... Petitioner

Vs.

The Regional Transport Officer,
Regional Transport Office,
Vaniyambadi, Tirupattur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned order in Government letter Na.Ka.No.9704/A2/2022 dated 07.08.2023 passed by the respondent herein and quash the same and consequently, direct the respondent to release the vehicle namely Omni bus bearing registration No.NL01 B1032 which was seized by the respondent.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.S.Ravikumar
Special Government Pleader



WEB COPY

W.P.No.29043 of 2023



ORDER

The challenge in this Writ Petition is to the order passed by the respondent dated 07.08.2023, whereby, the petitioner's vehicle, viz., Omni bus bearing registration No.NL01 B1032 has been seized by the respondent and consequently, to direct the respondent to release the same.

2. The case of the petitioner is that on 06.06.2022, while the petitioner's vehicle was plying towards Bangalore with 26 passengers and when it was nearing Vaniyambadi Toll Gate, the same was intercepted by the Officials of the respondent-Regional Transport Officer and during such check, it was found that the petitioner was plying the vehicle without payment of tax. Therefore, the respondent apart from initiating criminal proceedings against the petitioner, and by means of the impugned order dated 07.08.2023, seized the vehicle and petitioner has been made liable to pay a sum of Rs.90,910/-. Hence, the present Writ Petition seeking for aforesaid prayer.

3. Mr.N.Sudharsan, learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.90,910/- and that



apart, he would also execute a bond and would produce the vehicle, whenever, it is demanded by the respondent. Further, the learned counsel submitted that in an identical matter, this Court by order dated 08.03.2022 in W.P.No.26277 of 2021, ordered for release of the vehicle subject to certain conditions. The learned counsel produced the said decision before this Court for reference and prayed for release of the vehicle.

4. Mr.S.Ravikumar, learned Special Government Pleader appearing for respondent would submit that, since the petitioner is ready and willing to pay the tax demanded by the respondent-Department and also assured that he would produce the vehicle as and when required by the respondent in connection to the criminal proceedings, he left it open to the Court to pass appropriate orders.

5. Heard the learned counsel for both sides.

6. In the present case, it appears that the vehicle was seized on 06.06.2022 on account of plying the same without paying proper tax, which comes around Rs.90,910/-. Further, the respondent-Department has also



WEB COPY

initiated criminal proceedings. Under these circumstances, this Court is of the view that since the petitioner has come forward to deposit the entire tax amount and also willing to execute bond as demanded by the respondent and undertook to produce the vehicle as and when required by the respondent-Department in regard to the criminal proceedings and considering the fact that the vehicle was seized on 06.06.2022 and nearly for a period of one year it has been in the custody of the respondent, and due to its exposure to sun and rain, it would have obviously, lost its value, and non usage of the same would result in sending the vehicle to scrap, this Court is inclined to order for release of the vehicle subject to the following conditions:-

(i) The petitioner is directed to pay a sum of Rs.90,910/- and to execute a bond to the extent of the present value of the vehicle.

(ii) The respondent is directed to release the vehicle bearing Registration No.NL01 B1032.



WEB COPY

W.P.No.29043 of 2023



(iii) The petitioner is directed to produce the vehicle whenever the respondent seeks for the same.

(iv) The petitioner is directed not to alienate the vehicle by way of mortgage or sale or in any other means without prior consent of the respondent, till the completion of the criminal case.

7. With the above directions, this Writ Petition is disposed of. No costs.

02.11.2023

Note: Issue order copy on 06.11.2023

veda/sd

Index : Yes / No

Speaking order/Non-Speaking order

Neutral Citation : Yes / No

To

The Regional Transport Officer,
Regional Transport Office,
Vaniyambadi, Tirupattur District.



WEB COPY



W.P.No.29043 of 2023

KRISHNAN RAMASAMY, J.

veda/sd

W.P.No.29043 of 2023

02.11.2023