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W.P.No.31360 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

The HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.31360 of 2022  
and W.M.P.No.30805 of 2022

V.Deepa

.. Petitioner

VS

1.The Transport Commissioner,  
Home (Transport) Department,  
Government of Tamil Nadu,  
Ezhilagam 2<sup>nd</sup> Floor, Chepauk,  
Chennai – 600 005.

2.The Regional Transport Officer,  
Regional Transport Office,  
Tiruchengode, Namakkal District.

3.The Motor Vehicles Inspector Gr.I,  
Regional Transport Office,  
Tiruchengode, Namakkal District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 2 and 3 to release the car "Honda Amaze" bearing registration number TN 99 J 1349 to the petitioner which has been seized on 29.09.2022 keeping under the custody of 2<sup>nd</sup> respondent.

For Petitioner : Mr.C.Kulanthaivel

For Respondents : Mr.N.Naveenkumar  
Additional Government Pleader



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ORDER

1. This writ petition has been filed by the petitioner seeking a direction to respondent nos. 2 and 3 to release the car "Honda Amaze" bearing registration number TN 99 J 1349 which has been seized on 29.09.2022.

2. The case of the petitioner is that he has purchased the car on 17.02.2022 through the broker and transferred the ownership in his name after verifying the particulars manually and also through the online portal maintained by the Department of Home (Transport), Government of Tamil Nadu. However, the third respondent on 22.09.2022 seized the car from his house on the ground that the payment of road tax and insurance have been made in different places of the State. It is further submitted that despite several representations having been given to the respondents to release the car, the same has not been done.

3. A counter affidavit has been filed by the respondents. It is the case of the respondents that on verification of records of the vehicle, the authorities came to know that the car was registered with



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RTO, Coimbatore (West) but on further verification about the payment of lifetime tax and it shows that the tax has to be paid at RTO, Chennai (South West). It further states that there are no particulars of payment of Road Safety Tax and Payment Registration Fee. Similarly, registration number 8 and totalling 8 is not allotted to any one as per the provisions under the proviso to Rule 91(1) of Tamil Nadu Motor Vehicles Rules, 1989. According to the respondents, the vehicle has been registered by creating fake documents in Portal and therefore submitted that the cancellation done as per the provision under Section 55(5) of the Motor Vehicles Act is just and proper.

4. Heard the learned counsel for the parties and perused the materials records of the case.

5. It is not disputed by the respondents in the counter that the petitioner is only a subsequent purchaser of the vehicle. The vehicle has been seized mainly on the ground of registration by creating false records at different offices and the investigation is also under process. However, it is stated that the petitioner being a subsequent purchaser has no role to play in creation of the false



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documents. However, to ply the vehicles in the public road, necessary registration is required. When the registration certificate itself is found to be false and the investigation is under process, allowing such vehicles to ply on the public road would cause serious prejudice to the public at large. In such view of the matter, the petitioner cannot ply the vehicle. Though Section 207(2) of the Motor Vehicles Act demands that necessary documents to be produced for release of the vehicle, this Court is of the considered view that the registration of documents itself is doubtful and the investigation is under process, and keeping the vehicle in custody of the respondents will diminish the value of the vehicle and since there is every chance of the vehicle being exposed to nature, the petitioner shall file an affidavit before the concerned respondent authority / second respondent to the effect that in the event of release of the vehicle, the petitioner will not ply the vehicle on road till the matter is finally decided and on filing such an affidavit, the second respondent is directed to release the vehicle of the petitioner. It is also made clear that the petitioner shall not alienate / transfer / modify the nature of the vehicle during the pendency of the proceedings initiated by the Regional Transport Officer.



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6. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

Index:Yes/No  
Neutral Citation:Yes/No  
ssm

To

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