



W.P.(MD)No.24859 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.24859 of 2023

S.Kailasam

... Petitioner

versus

1. The Regional Transport Officer,
Musiri,
Trichy District.

2. The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st respondent to release the petitioner's Stage Carriage bearing Registration No.TN49AS 6925 plying on the route Musiri Bus Stand to Velakkanatham, which is now in the custody of the 2nd respondent forthwith.

For Petitioner : Mr.A.C.Asaithambi



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W.P.(MD)No.24859 of 2023

For R1 : Mr.M.Ramesh,
Government Advocate
For R2 : Mr.B.Thanga Aravindh,
Government Advocate

ORDER

The petitioner, a stage carriage operator, has filed this writ petition for a Mandamus, directing the first respondent to release his stage carriage from the custody of the second respondent.

2. The learned counsel appearing for the petitioner submits that the petitioner is operating a Stage Carriage bearing Reg.No.TN49AS 6925 plying on the route Musiri Bus Stand to Velakkanatham. Now, the Tamil Nadu Transport Corporation is operating their buses on various routes from the Musiri Bus Stand and also attempting to take the petitioner's passengers. Therefore, a quarrel arose between the petitioner and the driver of the Corporation Bus. For this incident, at the instance of the driver of the Corporation Bus, a criminal case has been registered as against the petitioner. Pursuant to the same, the



W.P.(MD)No.24859 of 2023

petitioner's Stage Carriage has also been seized by the first respondent, which is in the custody of the second respondent. Therefore, the petitioner is before this Court.

3. The learned Government Advocate appearing for the first respondent submits that the petitioner has prevented the Tamil Nadu State Transport Corporation Bus from plying, by using his vehicle bearing Reg.No.TN49AS 6925 and also caused damage to the Bus worth about Rs.5,000/-. On the complaint of a driver of the Corporation Bus, a criminal case has been registered by the second respondent in Crime No.385 of 2023 dated 01.10.2023 for the offences under Sections 294(b), 427 and 506(ii) IPC against three persons including the petitioner. The second respondent Police has seized the petitioner's vehicle under Section 102 Cr.P.C. and remanded the same to the Judicial Magistrate, Musiri, on 06.10.2023 in RPR No.55 of 2023.



W.P.(MD)No.24859 of 2023

4. This Court considered the rival submissions and perused the materials on record.

5. It appears that the petitioner's vehicle has been seized by the second respondent Police in connection with the commission of offence which has been registered in Cr.No.385 of 2023 and the vehicle has also been remanded before the concerned Judicial Magistrate. Under Section 451 Cr.P.C., the petitioner is having a remedy before the concerned Judicial Magistrate seeking for release of vehicle.

6. Considering the fact that the petitioner is running his stage carriage plying on the route Musiri Bus Stand to Velakkanatham and it is also used by several public, this writ petition is disposed of with liberty to the petitioner to submit an application under Section 451 Cr.P.C. before the concerned Judicial Magistrate. In the event of filing such application, the concerned Judicial Magistrate shall consider the same in the light of the guidelines issued by the Hon'ble Supreme Court



W.P.(MD)No.24859 of 2023

in *Sunderbhai Ambalal Desai vs. State of Gujarat* reported in **2002**

(10) SCC 283, within a period of two weeks from the date of filing the

application. No costs.

13.10.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

Note : Issue order copy today

To

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Musiri,
Trichy District.
2. The Inspector of Police,
Musiri Police Station,
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W.P.(MD)No.24859 of 2023

B.PUGALENDHI, J.

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W.P.(MD)No.24859 of 2023

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