



WEB COPY



W.P.No.2736 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2736 of 2024

C.Nagaraj

... Petitioner

Vs.

1.The Regional Transport Officer,
Poonamalle Division,
Chennai.

2.The Inspector of Police,
TIW, Avadi,
Chennai.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to release the petitioner's tractor attached with tanker with Registration No.TN 18 H 3568 kept under his custody within a time frame to be fixed by this Court.

For Petitioner : Ms.E.Swetha for
T.K.S.Gandhi

For Respondents : Mr.V.Ravi, SGP for R1
Mr.J.Subbiah for R2



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ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the 1st respondent to release the petitioner's tractor attached with tanker with Registration No.TN 18 H 3568 kept under his custody within a time frame to be fixed by this Court.

2. Heard Ms.E.Swetha, learned counsel for the petitioner and Mr.V.Ravi, learned Special Government Pleader takes notice for R1 and Mr.J.Subbiah, learned Standing Counsel takes notice for the second respondent.

3. The petitioner is said to be the owner of the Tractor attached with Water Tanker in Registration No.TN 18 H 3568.

4. The learned counsel for the petitioner submitted that the vehicle was involved in an accident and was seized by the investigative agency and handed over to the first respondent for vehicle inspection.



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5. It appears from the vehicle inspection report of the first respondent that the Tractor alone was registered and the Tanker was not registered. In view of the same, the petitioner's vehicle was kept under the custody of the first respondent. If the Tanker is not registered and being operated in violation of the Rules of the Motor Vehicles Act, the first respondent cannot be directed to release the vehicle as prayed by the petitioner.

6. In fact, the petitioner ought to have filed a petition under Section 451 of Cr.P.C., before the Trial Court where the criminal case is pending and sought appropriate remedy for return of the vehicles. The petitioner is at liberty to give a representation to the first respondent for registering the Tanker on payment of penalty, if any.

7. With the above observations, this Writ Petition is disposed. The petitioner is at liberty to given a representation to the first respondent for



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registering the Tanker on payment of penalty, if any. On receipt of such

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R.N.MANJULA, J.

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representation, the first respondent is directed to consider the same and pass appropriate orders in accordance with law. No costs.

08.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

- 1.The Regional Transport Officer,
Poonamalle Division,
Chennai.
- 2.The Inspector of Police,
TIW, Avadi,
Chennai.

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