



W.P.No. 12664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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M/s R.K & Co
Represented by Partner,
Gowshik Narendiran,
S/o Rammurthi,
No.161, Avadi Main Road,
Senneerkuppam, Poonamallee,
Chennai – 600 056.

.. Petitioner

Versus

1. The Regional Transport Officer(North),
O/o Regional Transport Office,
Chennai – 600 012.

2. The Secretary,
O/o Regional Transport Office, (North – West)
Chennai – 600 102.

3. The Motor Vehicle Inspector (Grade-1)
Regional Transport Office, Thiruvallur District
Vallam, Villupuram District.

4. The Inspector of Police,
Mappedu Police Station,
Thiruvallur

...Respondents



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WEB COPY Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to consider and dispose the petitioner representation dated 12.01.2024 to release the heavy vehicle bearing Registration No. TN BA 1209 kept in 4th respondent and pass orders.

For Petitioner : Mr.P. Arunkumar

For Respondents 1 to 3 : Mr. N. Naveen Kumar
Government Advocate

For Respondent – 4 : Mr.C.E. Pratap
Government Advocate

ORDER

This petition is filed to seeking to issue a writ of Mandamus directing the respondents to consider and dispose the petitioner representation dated 12.01.2024 to release the heavy vehicle bearing Registration No. TN 02 BA 1209 kept under the custody of the 4th respondent.

2. The facts of the case is that the heavy vehicle of the petitioner bearing Registration No. TN 02 BA 1209 was driven by its driver in a



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rash and negligent manner and dashed against a car which came in the opposite direction. Due to which the persons travelled in the car died on the spot. Hence, the 4th respondent registered a F.I.R in Cr.No.492 of 2021. Thereafter, the 3rd respondent conducted investigation and submitted a report, wherein, it has been stated that the original driving licence was not available for verification and the bulker number and authorization expired and the vehicle should be seized and surrendered to the 4th respondent. Pursuant to which the petitioner's company gave a representation to the respondents and appeared for the enquiry and submitted that the petitioner is ready to pay the fine imposed by the first respondent. But, the first respondent did not accept the explanation and rejected the request made by the petitioner and also further ordered to cancel the national permit and Heavy Vehicle permit for the vehicle in question. Thereafter, the petitioner gave a representation on 12.01.2024 to the respondents 1 to 3 to release the said vehicle. However, the same was not considered. Hence, this petition.

3. The learned counsel for the petitioner submitted that the vehicle was seized by the 4th respondent temporarily and till date not released.



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Due to which the vehicle was greatly damaged and destroyed. He further submitted that the petitioner had already expressed his willingness to produce the original records and vehicle whenever the transport authorities called for, inspite of the same the respondents are not coming forward to release the vehicle. Hence prays to allow this petition.

4. The learned Government Advocate appearing for the respondents submitted that a criminal case was registered in Cr.No.492 of 2021 against the driver of the vehicle in question and further more the vehicle involved in the offence cannot be released and handed over to the petitioner as the same is *Sine Qua non* required for the purpose of inspection during the trial before the Court. He further submitted that the petitioner is not entitled to seek for return of the heavy vehicle bearing registration No. TN 02 BA 1209. Hence, prays to dismiss this petition.

5. I have given anxious consideration to either side submissions and perused the materials available on record.

6. On a perusal of the status report filed by the second respondent



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it is seen that due to the said accident two persons were died. The fourth respondent/Inspector of police has filed a counter wherein it has been stated that F.I.R was registered under Sections 279, 304(ii) of I.P.C. After completion of elaborate and detailed investigation, the then Inspector of Police prepared a charge sheet and the same is yet to be filed before the concerned Court. It has been further stated in the counter that the first respondent in his proceedings vide Se.Mu.Aa.No.39474/E1/2022, dated 19.04.2022 has stated that the above vehicle was subjected to temporary impounding and cancellation of National Permit for certain violations *qua* non furnishing of original driving licence for verification during vehicle inspection and expiry of bulker authorization for loading etc., Hence the vehicle cannot be released until the completion of the Criminal case in Cr.No.492 of 2021.

7. In view of the above facts, it is made clear that due to the said accident two persons died and a criminal case was also registered and charge sheet was prepared and yet to be filed before the concerned Court. When this being the case, the prayer sought for by the petitioner to release the heavy vehicle bearing Registration No. TN 02 BA 1209 kept



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in 4th respondent's custody cannot be considered and this writ petition deserves to be dismissed. Accordingly, this writ petition is dismissed. No order as to costs. **However, this order will not stand on the way for the petitioner to work out his remedy in the criminal case. It is left open to the petitioner to proceed the criminal case in the manner known to law.**

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Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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