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W.P.No.11165 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.07.2024**

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.11165 of 2024

M.Arjunan

.. Petitioner

Versus

1.The Regional Transport Officer,
Regional Transport Office,
RTO Office Road, Sathuvachari,
Vellore - 632 009, Vellore - District.

2.The Motor Vehicle Inspector GR-I,
Unit Office, Gudiyatham,
Vellore District.

.. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to consider the representation of the petitioner dated 14.03.2024 and direct the first respondent to release the bus bearing Registration No.KA 22 B 7845 which was seized by the second respondent on 30.11.2023.

For Petitioner : Mr.L.K.Manjunath

For Respondents : Mrs.C.Meera Arumugam, AGP

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to consider the representation of the petitioner dated 14.03.2024



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and direct the first respondent to release the bus bearing Registration No.KA 22B 7845 which was seized by the second respondent on 30.11.2023.

2. The case of the petitioner is that the petitioner is the owner of the vehicle bearing Registration Number KA 22B 7845. He received a letter from the second respondent seeking explanation about the confiscate of his vehicle by the Gudiyatham Motor Vehicle Inspector at Pernambut. The second respondent has stated in his letter that the petitioner is plying two vehicles in same registration number. According to the petitioner, his vehicle was parked at Pernambut Private Parking Yard on 29th November 2023 to attend the engine failure of the purported vehicle. At that time, the second respondent came there along with some unknown persons and threatened the bus driver and cleaner to start the vehicle and drive out from the parking yard. Therefore, the driver started the vehicle with the help of spare engine. The petitioner being the legal owner of the subject vehicle for the past 10 years, there were so many check reports were issued for the same vehicle across many states and the petitioner have cleared all the check reports and paid necessary taxes to the authorities concerned.



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3. The petitioner states that the second respondent has stated in the check report that the number plate was removed from the said vehicle. The petitioner has not removed the number plate. Since the vehicle is 12 years old and due to mechanical wearing and tear, it might have fell down during transportation. He further states that after the vehicle was seized on 30.11.2023, it is kept in open area and due to which, it may be damaged due to weather conditions and may cause more depreciation. The damage of the chasis number in the vehicle happened while it was in the custody of the second respondent. The petitioner has given a representation in this regard on 14.03.2024 to the first respondent. Since no response was forthcoming from the first respondent, the petitioner is before this Court.

4. The first respondent has filed a counter and the learned Additional Government Pleader submitted that based on the confidential information received from the State of Karnataka Transport, JCT (Squad) Officials that there are two vehicles bearing with the same registration Number as KA22B-7845, among which, one is plying around Gudiyatham area in Vellore District. This matter was informed to the second respondent by the higher authority and further ordered to take an immediate action in this regard. Thereafter, the second respondent came to know that the said vehicle has been parked at a



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private yard at Pernambut and detained the same. In this regard, the petitioner was called for to give explanation. Simultaneously, it was also requested to the RTO, Chittoor, Andhra Pradesh and RTO Kolar, Karnataka to send the vehicle details in this regard. Accordingly, the Transport Department of Karnataka received information that the one vehicle with the said registration number with green and white colour was kept at Varadapuram and Shanthipuram. But the vehicle parked at Pernambut was in blue colour with green and yellow stripes which was entirely different with the vehicle placed at Varadapuram, Chittoor District. Therefore, the learned Additional Government Pleader submitted that the petitioner played a fraud by plying two vehicles in same registration number. Therefore, he prays to dismiss this petition.

5. The learned counsel for the petitioner submitted that the contentions of the respondents are not true. The petitioner is the owner of the vehicle bearing registration number KA 22B 7845 which was plying from Vkota to Vellore. As per the second respondent's check report issued at the time of detention of vehicle, wherein, the vehicle was stopped and checked the necessary documents which is evident from the paper publication and also imposed a cost of Rs.60,000/- for not paying tax to the authorities ie., vehicle permit. The petitioner has not committed any fraud as alleged by the



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respondents and the contention of the respondents is an imaginary invention.

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6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

7. This Court is not inclined to accept the claim of the petitioner that he is an innocent person and he is not plying two vehicles in same registration number. Therefore, the respondents are directed to conduct an enquiry in this regard and pass appropriate orders on merits within a period of sixteen weeks from the date of receipt of a copy of this order, by considering the materials available on record and also by considering the materials received from the Karnataka and Andhrapradesh Regional Transport Officers, after affording an opportunity of hearing to the petitioner. Till such time the vehicle should be retained by the respondents.

8. In the result, this Writ Petition is disposed of . No costs.

Index :Yes/No

22.07.2024

Speaking / Non-speaking order

Neutral Citation : Yes/No

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V.BHAVANI SUBBAROYAN, J.



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