



W.P.No. 20267 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.20267 of 2024

M/s OST Logistics
Represented by its Proprietor
Ramasaravanan
Son of Ramamoorthy
No.1, Amman Koil Street,
Metha Nagar, Aminjikarai
Chennai – 600 029.

.. Petitioner

Versus

1. The Transport Commissioner,
Guindy, Chennai – 600 032

2. The Regional Transport Officer,
Regional Transport office,
Vaniyambadi, Tirupathur District.

3. The Regional Transport Officer,
Regional Transport Office, Ambur,
Tirupathur District.

4. The Regional Transport Officer,
Regional Transport Office,
Sholinganallur, Chennai – 600 119.

...Respondents



W.P.No. 20267 of 2024

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Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the Respondent herein to release the petitioner's vehicle bearing Registration No.TN-18-AL-8462, which was impounded by the second respondent dated 22.07.2022 and kept in the custody of the 3rd respondent and pass orders.

For Petitioner : Mr.S. Sarath Kumar

For Respondent : Mr. M. Venkateswaran
Special Government Pleader

ORDER

This Writ Petition is filed for a direction to the respondents to release the petitioner's vehicle bearing Registration No.TN-18-AL-8462, which was impounded by the second respondent dated 22.07.2022 and kept in the custody of the 3rd respondent.

2.Mr. M. Venkateswaran, Special Government Pleader takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal. .



W.P.No. 20267 of 2024

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3.The petitioner's company is a transport company registered in the name and style of M/s. OST Logistics and they have entered into a contract with M/s Intellect Design Arena Limited for the purpose of picking up and drop services of their company staffs and employees. They had also entered into lease agreement with their contract company namely M/s Intellect Design Arena Limited on 01.04.2017 and the same was valid for the period of four years i.e till 31.03.2021. The further case of the petitioner is that after Covid pandemic they were unable to operate their vehicles and all of their vehicles were parked idle. It is pertinent to note that the tax in respect of the aforesaid subject vehicle was paid. Since the subject vehicle was hypothecated with the IndusInd Bank, Chennai who insisted to produce the vehicle before them, the petitioner's company has operated his vehicle from the Bargur parking shed to Chennai on 22.07.2022, for producing the vehicle before the Bank officials. When this being the case the second respondent intercepted the petitioner's vehicle and impounded the vehicle for the alleged irregularities and handed over the vehicle to the 3rd respondent. Thereafter, the petitioner had requested the second respondent to release



W.P.No. 20267 of 2024

WEB COPY

their seized vehicle. The second respondent issued a proceedings vide Na.Ka.No.12765/A2/2024 dated 23.05.2024 which had been addressed by the office of the second respondent to the office of the 4th respondent herein and asked the petitioner to produce the same before the 3rd respondent along with a request letter. Pursuant to that the petitioner has given a representation to the 4th respondent on 28.05.2024 requesting to release the vehicle and the same is pending till date. Hence, this petition.

4. The learned counsel for the petitioner submitted that the petitioner had not committed any violation of the permit condition. He further submitted that the check report issued by the second respondent does not reveal about carrying of passengers etc., and they are ready and willing to pay the necessary compounding fee for the same.

5. The learned Special Government Pleader appearing for the respondents submitted that the vehicle in question was impounded for not carrying proper records and garaged in the office of Motor Vehicle Inspector, Ambur. He further submitted that the owner of the vehicle has not turned up to release the vehicle, due to which the original check report was sent to the Regional Transport Officer, Sholinganallur.



W.P.No. 20267 of 2024

WEB COPY

6. Before advertizing further it would relevant to go through the Section 207 (2) of the Motor Vehicles Act, 1988 (hereinafter referred to as, 'the Act'). The said Section reads as follows:

“207.Power to detain vehicles used without certificate of registration, permit, etc. -

(2) Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government, together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order, release the vehicle subject to such conditions as the authority or officer may deem fit to impose.”

As per sub-section (2) of Section 207 of the Act, when the vehicle is seized, owner is entitled for release of vehicle on production of relevant documents. The authority, after verifying the documents, can release the vehicle imposing conditions.



W.P.No. 20267 of 2024

WEB COPY

7. In view of above facts, the petitioner is directed to produce all the documents before the fourth respondent. The fourth respondent is directed to return the petitioner's vehicle viz., TN-18-AL-8462, to the petitioner forthwith, after verification of relevant documents produced by the petitioner and also on payment of applicable tax **and on further condition that the petitioner shall file an affidavit of undertaking to the effect that the petitioner shall produce the petition mentioned vehicle as and when required by the respondents and will not alienate the same without prior permission from the fourth respondent forthwith. It is also open to the fourth respondent to proceed against the petitioner for violation of permit condition in accordance with law.**

8. With the aforesaid direction, this writ petition is disposed of. No order as to costs.

22.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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W.P.No. 20267 of 2024

WEB COPY To

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W.P.No. 20267 of 2024

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W.P.No.20267 of 2024

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