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W.P.No.23343 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23343 of 2024

R.Vija Mirtharaj

.... Petitioner

Vs

1. The Regional Transport Officer,
Office of RTO, Sangagiri,
Salem District.

2. The Deputy Superintendent of Police,
Economic Offences Wing,
Thiruvannamalai,
Thiruvannamalai District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to remove the ban (not to be transacted) imposed on 10.07.2023 by the 1st respondent through SMS in respect of petitioner's Omni bus bearing Registration No.TN52W-W-9969 by considering the petitioner's representation dated 27.07.2024.

For Petitioner	: Mr.M.Elango
For R1	: Mr.V.Manoharan Additional Government Pleader
For R2	: Mr.A.Gopinath Government Advocate (Crl.Side)

ORDER



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This Writ Petition has been filed for a direction directing the first respondent to remove the ban imposed on 10.07.2024 by the first respondent through SMS in respect of petitioner's Omni Bus bearing Registration No.TN-52-WW-9969.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is running a transport traveller in the name and style of Vijay Tours and Travels. The petitioner had purchased an Omni Bus bearing Registration No.TN-52-WW-9969 from one M.S.S.Travels, represented by its Managing Director K.Mani. Thereafter, the petitioner had applied for name transfer before the first respondent. On inspection, No objection Certificate was issued stating that there is no encumbrance with regard to the vehicle and thereafter the name transfer was effected in his name on 05.06.2024. Based on the registration certificate and name transfer certificate, the petitioner is operating the bus. However, the petitioner received an SMS from the first respondent on 10.07.2024 stating that the petitioner should not operate the said vehicle in view of the Court case pending. Hence, this writ



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petition.

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4. The learned Government Advocate (Crl Side) appearing for the second respondent submitted that on the complaint lodged by various depositors, FIR has been registered in Crime No.1 of 2023 by the second respondent for the offences under Sections 120(b), 406, 420 read with 34 of IPC, Section 5 of TNPID Act, 21(3), 23, 25 of BODS Act and Section 76 of Chit Funds Act, as against twelve accused persons. They had collected huge money about Rs.129 crores from the general public and from the crime proceeds, they had purchased 27 Omni Buses. After registration of the FIR, one of the accused had sold out the subject vehicle in favour of M.S.S. Travels. In turn, M.S.S.travels had sold out the subject bus in favour of the petitioner herein. On inspection, it was found that all the buses were purchased from the crime proceeds. So far, the second respondent had seized seventeen buses and they are taking steps to seize the remaining ten buses, which were purchased from crime proceeds.

5. Confession statement of the seventh respondent reveals that the bus bearing Registration No. TN-52-WW-9969 was sold out in favour of M.S.S.Travels and in turn, it was purchased by the petitioner



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herein. Though the second respondent instructed the Regional Transport Officer not to effect any transfer of name in respect of the bus bearing Registration No. TN-52-WW-9969, without the knowledge of the Regional Transport Officer, the first respondent effected the transfer of ownership in respect of the said bus. Therefore, in order to complete the investigation, the second respondent instructed the first respondent to cancel the name transfer. On the said instruction, the first respondent rightly informed the petitioner not to operate the vehicle in view of the pendency of the criminal case.

6. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent. Thus, the writ petition lacks merits and is liable to be dismissed. It is also seen that the second respondent filed final report and the same has been taken cognizance by the TNPID Court, Egmore, Chennai in C.C.No.7 of 2024. In order to complete further investigation, the second respondent is directed to take appropriate steps to seize the buses and proceed in accordance with law.

7. In the result, this writ petition stands dismissed. No costs.

12.08.2024

Internet: Yes

Index : Yes/No



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Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

1. The Regional Transport Officer,
Office of RTO, Sangagiri,
Salem District.
2. The Deputy Superintendent of Police,
Economic Offences Wing,
Thiruvannamalai,
Thiruvannamalai District.

G.K.ILANTHIRAIYAN. J.

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