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W.P.No.33485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.33485 of 2024

M/s.Chirag Travels Company
Rep.by its Partner
Mr.Pratik V.Makwana
Flat No.601, Square Pleasant Park
Cross Road, Miragaon, Mira Road (E)
Arunachal Pradesh-401 104.

.... Petitioner

-Vs-

The Regional Transport Officer
Chennai (East)

.. Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to forthwith release the vehicle of the petitioner bearing Registration No. AR-11 A -0009 impounded and kept in the custody of the respondent on such terms and conditions as may deemed fit by this Honorable Court.

For Petitioner : Mrs.Bhargavi Gopalan



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For Respondent : Mr.N.Naveen Kumar
Government Advocate

ORDER

The writ petition has been filed in the nature of a mandamus directing the respondent, the Regional Transport Officer, Chennai (East) to release the vehicle of the petitioner bearing Registration No.AR-11 A-0009 which had been impounded and kept in the custody of the respondent.

2.It is the contention of the respondent that the Motor Vehicle Inspector Grade-I had checked an other State Omni Bus bearing registration No.AR11A 0009 and the same was detained at Manjambakkam Parking Yard, Chennai-600 060 since it was found that it was plying without payment of Tamil Nadu Tax and pollution certificate was not produced. It is contended on behalf of the petitioner that there were no passengers at the time when the vehicle was impounded and it was only running to and fro for repairing work. It is contended it was not used for commercial purposes or for transporting passengers or for any other purpose. Insofar as the tax is concerned, show cause notice will have to be issued to the petitioner who will have to be given an opportunity to reply to the same and contest any demand in the manner known to law. With respect to the pollution



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certificate, again show cause notice has to be issued and opportunity be granted to the petitioner to produce pollution certificate if already obtained and if not obtained and give an undertaking to obtain it within a reasonable time.

3.It is contended on the part of the petitioner that similar matters have been examined by learned Single Judges of this Court and orders have been passed releasing of vehicle subject to undertaking given by the petitioner that the vehicle would not be alienated, and would not be removed without notice to the respondents.

4.Similar undertaking may be given by the petitioner herein to produce the vehicle as and when necessary. The petitioner should not alienate or encumber the vehicle till the proceedings initiated by the respondent are completed. The petitioner may also furnish copies of the permit and the certificate of registration. The respondents are always at liberty to proceed in accordance with law for violation of rules and regulations if any. These are the conditions which had been imposed earlier and these are the conditions which are now imposed in this writ petition also. On compliance of such conditions these could be release of the vehicles subject to similar undertaking given by the petitioner herein, and



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granting liberty to the respondent to issue show cause notice, the writ petition stands disposed of. The vehicle to be released within a period of three working days from the date of receipt of copy of this order.

5.The writ petition stands disposed of. No costs.

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Index : Yes/No

NCS : Yes/No

KP

Note: Issue order copy on **12.11.2024**

To



The Regional Transport Officer
Chennai (East)

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C.V.KARTHIKEYAN.,J

KP



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