



W.P.(MD) No.4173 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.4173 of 2024

B.Raja

... Petitioner

Vs.

1.The Regional Transport Officer,
Central RTO Office,
Madurai.

2.The Motor Vehicle Inspector Grade-I,
Central RTO Office,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the first respondent to release the petitioner's Three Wheeler Contract Auto bearing Registration No.TN 63 AE 6253.

For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

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2. The petitioner is the owner of the Share Auto bearing Reg.No.TN 63 AE 6253. It was seized on 15.02.2024 as the petitioner had neither paid the tax nor renewed the insurance nor obtained the permit and fitness certificate.

3.The learned counsel for the petitioner would submit that the permit was valid upto 12.08.2023 and that the petitioner who is the resident of Sivagangai was taking the vehicle to Madurai for repair. At that time, the vehicle was seized by the second respondent and handed over to the first respondent. It is submitted that the petitioner may be allowed to take possession of the vehicle as the vehicle has to be repaired and made ready for obtaining fitness certificate.

4. The learned Special Government Pleader for the respondents, on the other hand, would submit that the vehicle should not be released



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unless the petitioner undertakes to pay and pays the compounding fees as is applicable under the provisions of the Motor Vehicles Act, 1988. That apart, it is submitted that the proceedings are pending for prosecution under Section 192A(1) and Section 177 of Motor Vehicles Act, 1988. That apart, it is submitted that Regional Transport Officer, Madurai (Central) has taken steps to send the file back to the Superintendent of Police, Sivagangai for taking suitable action against the petitioner.

5. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

6. The facts on record indicate that the permit was valid upto 12.08.2023 and that the petitioner has also paid tax and obtained insurance, permit and fitness certificate for that period. Retaining the subject vehicle by either the second respondent or the first respondent, as the case may be, will serve no purpose for either the petitioner or the respondents. The petitioner is entitled to use the vehicle subject to the petitioner complying with requirements.



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7. Under these circumstances, the petitioner is directed to pay the tax and renew the insurance forthwith. The petitioner shall also pay compounding fee, if any, that may be prescribed. Subject to the petitioner paying the aforesaid amount, the vehicle shall be released to the petitioner for repair work.

8. The petitioner shall also pay the necessary fees/charges for renewing the permit and for fresh fitness certificate after repairing the subject Share Auto. The petitioner shall not ply the Share Auto until permit and fresh fitness certificate are obtained.

9. This Writ Petition stands disposed of. No costs.

04.07.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

Issue Order copy on 05.07.2024



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Copy To:

- 1.The Regional Transport Officer,
Central RTO Office,
Madurai.
- 2.The Motor Vehicle Inspector Grade-I,
Central RTO Office,
Madurai.



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C.SARAVANAN, J.

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