



W.P.No.13504 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

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Rajagopal Gowda
Represented by its General Power of
Attorney Holder
K.P.Paramesh
No.1/7, Flat No.14, Rohini Apartments,
9th Cross, Wilson Garden,
Bengaluru-560 027

...Petitioner

Vs-

1. The Regional Transport Officer,
Hosur.

2. The Inspector of Police,
Police Station, Berigai

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st respondent to forthwith release the vehicle of the petitioner bearing Registration No.KA-08/6876 impounded on 27.03.2025 and kept in the custody of the 2nd respondent on such terms and conditions as may deemed fit by this Court.



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For Petitioner : Mr.Bhargavi Gopalan
For Respondents : Ms.R.L.Karthika
Government Advocate
For R.1
: Mr.R.Kishore Kumar
Government Advocate
For R.2

ORDER

Ms.R.L.Karthika, learned Government Advocate takes notice on behalf of the first respondent and Mr.R.Kishore Kumar learned Government Advocate takes notice on behalf of the second respondent . With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to direct the 1st respondent to forthwith release the vehicle of the petitioner bearing Registration No.KA-08/6876 impounded on 27.03.2025 and kept in the custody of the 2nd respondent on such terms and conditions as may deemed fit by this Court.

3.The case of the petitioner is that he is a holder of Intrastate Enclave Stage Carriage Permit bearing Registration No.KA-08/6876 to plying on the route “Tarahunase to Hoskote”. The said permit is valid upto 02.07.2025 and the major portion of the route lies in Karnataka and the said



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permit is granted by State Transport Authority, Bengaluru. It is also case of the petitioner that so far as the petitioner's route is concerned, the starting point and the terminal point are situated within Karnataka and length of route in Tamil Nadu is only 4 kms, therefore, no countersignature is required. The petitioner is having valid permit, registration certificate, fitness certificate, valid upto 13.09.2025 and the insurance is valid upto 03.09.2025. It is the further case of the petitioner that when the vehicle was plying on its route on 27.03.2025, the vehicle was stopped and checked by Motor Vehicles Inspector Grade I, Regional Transport Office, Hosur at Berigai to Masti Road and issued Check Report wherein it is stated that the vehicle was being plied on an unauthorised route and no valid documents are produced. The case of the petitioner is that the documents were available in the vehicle at the time of check and as the driver could not produce the same, the vehicle was impounded and kept in the custody of Police Station, Berigai and the petitioner was instructed to obtain order of release from the 1st respondent herein. Immediately, the Manager of the petitioner gave a representation enclosing therewith all the original documents and requested the first respondent to release the vehicle, but the same was not released. In the meantime, the 1st respondent, by his letter in Lr.R.No.39260/A2/2024 dated



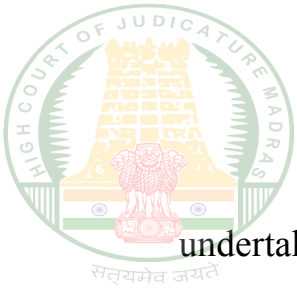
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1.04.2025 stating therein that since it is an enclave permit and the permit was

issued by the State Transport Authority, Chennai, the original check report and petition of vehicle owner praying release order are enclosed for further action with State Transport Authority, Chennai. The said letter of the 1st respondent is highly mischievous and it is not known as to why the request of the petitioner to release the vehicle was sent to State Transport Authority, Chennai. The petitioner states that since the vehicle was not released, the petitioner gave another representation on 04.04.2025 bringing out all the above facts especially that the permit granting authority is State Transport Authority, Bengaluru only and the State Transport Authority, Chennai has no jurisdiction and requested the 1st respondent to release the vehicle, but till date the vehicle has not been released and the same has been kept in the open yard. Hence, the petitioner has filed the writ petition seeking for the above relief.

4. Learned counsel for the petitioner would further place reliance on the order passed by this Court in W.P.No.758 of 2016 dated 07.01.2026, wherein, in a similar case, this Court ordered release of the vehicle.

5. Learned Government Advocate appearing for the first respondent would submit that the petitioner shall file an affidavit of



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undertaking to the effect that he will produce the vehicle as and when required by the respondents and will not alienate the same, without prior permission from the respondents, however, after verification of all the relevant documents produced by the petitioner.

6. Heard both sides and perused the materials available on record.

7. The case of the petitioner is that his vehicle has been impounded since the petitioner was operating his vehicle using the permit of another permit holder and therefore, the vehicle has been kept in the custody of the second respondent. This issue has been dealt with by this Court in WP No.758 of 2016 dated 07.01.2016. The relevant paragraphs are extracted hereunder:-

“ 7. At this juncture, learned counsel for the petitioner would submit, that the petitioner has filed an application for release of the vehicle under Section 207(2) of the Motor Vehicles Act before the authority concerned on 05.01.2016, and, apart from that, the petitioner is also willing to file an affidavit of undertaking, to the effect, that he will not alienate the said vehicle and will also produce the same as and when required by the respondents.

8. It is a well settled proposition of law, that for



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violation of the permit conditions, the authorities concerned are entitled to take action as per the rules and regulations, for cancellation fo permit. It is also seen from Section 207 of the Motor Vehicles Act, that on production of relevant documents by the owner of the seized vehicle, it is the duty of the authority concerned, to consider the release of the seized vehicle.

9. Under the circumstances, the respondents are directed to release the vehicle of the petitioner, bearing No.TN-29/AS-9955, forthwith, on filing of an affidavit of undertaking by the petitioner, to the effect that he will produce the vehicle as and when required by the respondents, and will not alienate the same, without prior permission from the respondents; however, after verification of all the relevant documents produced by the petitioner. As far as violation of permit is concerned, it is open to the respondents to proceed against the petitioner in accordance with law.”

8. Considering the facts and circumstances of the case, the petitioner is directed to submit an application under Section 207(2) of Motor Vehicles Act before the first respondent within a period of one week from today.



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9. On receipt of such application from the petitioner, the respondents are directed to release the vehicle of the petitioner bearing Registration No.KA-08/6876, forthwith, on filing of an affidavit of undertaking by the petitioner, to the effect that he will produce the vehicle as and when required by the respondents, and will not alienate the same, without prior permission from the respondents, however, after verification of all the relevant documents produced by the petitioner. As far as violation of permit is concerned, it is open to the respondents to proceed against the petitioner in accordance with law.

10. The writ petition is disposed of with the above direction. No costs.

16.04.2025

sr

Index : Yes/No

Speaking/Non Speaking order

Note: Issue Order Copy on 17.04.2025

To

1. The Regional Transport Officer,
Hosur.

2. The Inspector of Police,
Police Station, Berigai

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