



W.P.No.34715 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.09.2025

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.34715 of 2025

Prian Thomas

...Petitioner

Vs.

1. The Transport Commissioner,
Ezhilagam, PWD Estate,
Chepauk, Triplicane, Chennai – 600 005.
2. The Regional Transport Officer,
Regional Transport Office
Udhagamandalam – 643 001.
3. The Motor Vehicle Inspector,
Grade-I, Regional Transport Office,
Udhagamandalam, Pin:643 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and quash the illegal detention order / vehicle inspection record passed by the 3rd respondent dated 04.08.2025 in reference No.B 418905 and consequently direct the 3rd respondent to release the petitioner's vehicle bearing Registration No.KL-12-Q-3738.



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For Petitioner : Mr.Prakash Paul

For Respondents : Mr.Haja Nazrudeen, AAG,
Assisted by Mr.M.Shajahan, Spl.GP

ORDER

The present Writ petition has been filed seeking quashment of the detention order / vehicle inspection record passed by the 3rd respondent dated 04.08.2025 in reference No.B 418905, and for a consequential direction to the 3rd respondent to release the petitioner's vehicle bearing Registration No.KL-12-Q-3738.

2. The petitioner is the owner of a TATA Motors vehicle, Model-Ultra Prime with seating capacity of 41 in all. He has registered the bus in the State of Kerala. A Registration number was given to it, namely, KL-12-Q-3738.

3. When the vehicle was plying in the Ootacamund on 04.08.2025, it was stopped and checked by a Vehicle Inspection Department. The vehicle



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was detained in the exercise of powers under Section 207(2) of the Motor Vehicles Act and the permit that was granted to the vehicle was also suspended in exercise of power under Section 85(1) of the Motor Vehicles Act. The charge against the petitioner is that though the vehicle possesses an All India permit to use the vehicle as a contract carriage, it was used as a stage carriage for plying between Sulthan Bathery in the State of Kerala and Coimbatore in the State of Tamil Nadu. The order detaining the vehicle is challenged before me.

4. I have heard Mr.Prakash Paul for the petitioner and Mr.Haja Nazrudeen, learned Additional Advocate General, Assisted by Mr.M.Shajahan, Special Government Pleader for the respondents.

5. A perusal of the impugned order shows that the amount of compounding fee that the petitioner is liable to pay is not mentioned and the period for which the permit has been suspended is equally absent. This puts the petitioner in a quandary. Even if he wants to compound the infraction, he cannot pay a figure, as it is not even mentioned in the impugned order.



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6. Hence, on the ground of vagueness, the impugned order is liable to be set aside and accordingly, the impugned order passed by the 3rd respondent dated 04.08.2025 in reference No.B 418905 is set aside.

7. At this stage, learned Additional Advocate General brings to my notice an order of this Court in the case of ***Luxury Bus Operators Association Kerala Vs. The Union of India and 2 others*** in W.P.No.14792 of 2025 dated 29.04.2025, wherein, this Court held as follows:

“3. Petitioner shall continue to pay the charges/taxes, which, if petitioner succeeds, shall be refunded by the State Government, together with such rate of interest and within such period, as the Court may direct at that stage.”

8. As the Division Bench of this Court has taken the aforesaid view, the same will prevail in the present case also.

9. In view of the above, the 3rd respondent shall pass orders afresh, specifically mentioning the amount of compounding fee that the petitioner will have to pay and the period for which the license has been suspended. At



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the time of passing the said order, the 3rd respondent shall take note of the fact that the vehicle has not been plying from 07.08.2025 till date.

10. The proceedings are restored on the file of the 3rd respondent and fresh orders will be passed within a period of one (1) week from the date of receipt of a copy of this order. Prior to passing the impugned order, an enquiry will be conducted by the 3rd respondent. By consent of both sides, the date of enquiry is fixed as 18.09.2025 at 11.00 am. The 3rd respondent need not send a separate notice. The petitioner shall appear before him at the date and time stated above.

11. With the above observations and directions, this Writ petition stands allowed. Both parties shall act on a web copy of this order. No costs.

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(2/2)

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

Note to office: Issue order copy on 15.09.2025.

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To:

1. The Transport Commissioner,
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Chepauk, Triplicane, Chennai – 600 005.
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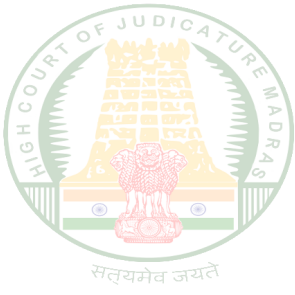
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V.LAKSHMINARAYANAN, J.

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in

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V.LAKSHMINARAYANAN, J.

The present miscellaneous petition filed seeking to dispense with the production of the certified copy of the detention order/vehicle inspection record passed by the 3rd respondent dated 04.08.2025 in reference No. B 418905, is ordered as prayed for.

15.09.2025

($\frac{1}{2}$)

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