

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 22.04.2015

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No. 11771 of 2015

R. Kulandaivelu

.. Petitioner

Vs.

1. The Tamil Nadu State
Transport Corporation
Coimbatore Division
rep. by the General Manager
Ondiputhur Branch I
Coimbatore District.

2. The Regional Transport Officer
Regional Transport Officer (Central)
Dr. Balasundaram Road
Coimbatore District.

... Respondent

PRAYER: This writ petition has been filed under section 226 of the Constitution of India to issue an order of Writ of Mandamus, to direct the second respondent to return the petitioner Original Driving License forthwith and pass further orders.

For petitioner : Mr.R. Jai Kumar for T.Fennwalter Asso.

For respondents: Mr.P. Kannankumar

for Mr. A.Kumar

Special Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking a limited prayer to direct the second respondent to return his Original Driving License forthwith.

2. Learned counsel appearing for the petitioner would submit that his Driving License was taken out from him by the Sub-Inspector of Police and handed over to the first respondent, the Regional Transport Officer (Central), Coimbatore, for the reason that his vehicle met with an accident at about 1.15 p.m. at Kannaiah Way Bridge, Avinashi Road, on 10.04.2015, while the petitioner was driving the vehicle bearing Registration No. TN-33-N-1770 from Gandhipuram to Vellaloor. Subsequently, a case was registered in FIR

No.297/2015 under sections 279, 337 and 304(A) of IPC on 10.04.2015. Under the aforementioned background, the grievance of the petitioner is, mere registration of FIR against him cannot be a ground to seize his driving licence and the second respondent has no right to withhold the same merely based on the registration of the FIR. Hence, the petitioner is before this Court, seeking for return of his Driving License.

3. Mr.P. Kannankumar, learned counsel appearing for Mr. A. Kumar, Special Government Pleader taking notice for the second respondent, submitted that the petitioner has not made any representation to the second respondent for return of his original driving license.

4. Since the petitioner has not made any representation, to the authority, this writ petition cannot be entertained. Therefore, the same is liable to be dismissed. However, the petitioner is directed to approach the second respondent by submitting a representation and on receipt of such representation, the second respondent is directed to consider the same on merits and in accordance with law.

5. With the the above direction, the writ petition is dismissed. No order as to costs.
avr

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The General Manager
Tamil Nadu State
Transport Corporation
Coimbatore Division
Ondiputhur Branch I
Coimbatore District.

2. The Regional Transport Officer
Regional Transport Officer (Central)
Dr. Balasundaram Road
Coimbatore District.

+ 1 cc to Mr.P.Kannankumar, Advocate SR 22060

+ 1 cc to Govt.Pleader SR 22111

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