

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2015

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17693 of 2015

P.Yuvraj

... Petitioner

Vs

1. The Transport Commissioner
Chepauk Chennai-5.
2. The Assistant License Issuing Authority
Regional Transport Office
Kallakurichi Villupruam District.
3. The Regional Transport Officer
Tindivanam Villupruam District.
4. The Inspector of Police
Roshanai Police Station Tindivanam
Villupruam District.
5. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Thiruvannamalai Zone
Thiruvannamalai District.

... Respondents

PRAYER : The Writ petition is filed under Article 226 of the Constitution of India praying for a Writ of mandamus directing the respondents 1 to 4 to return the petitioner Driving License in D.L.No.TN 32 Z19940000790 and enable him to join duty before the 5th respondent transport corporation

For Petitioner : Mr.M.V.Muralidaran

For Respondents : Mr.R.Lakshmi Narayanan (R1-4)
Mr.P.Kannan Kumar (R5)

O R D E R

Heard Mr.M.V.Muralidaran, learned counsel for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, who took notice for the 1st respondent and Mr.P.Kannan Kumar, learned counsel who took notice of the 5th respondent and with their consent, the main writ petition is taken up for final disposal.

2. This writ petition has been filed by B.Yuvraj, seeking a mandamus directing the respondents 1 to 4 to return his Driving License in D.L.No.TN 32 Z19940000790 to enable him to join duty before the 5th respondent Transport Corporation.

3. The learned counsel appearing for the petitioner would submit that the petitioner was driving the bus bearing Registration No.TN 21 N 1247 at about 9 'O' clock on 23.05.2015 in route No.122, leaving Chennai and proceeding towards Thiruvannamalai via Tindivanam, one Fiat Funto Car bearing Registration No.TN 37 BT 7105, which came in the opposite direction in a rash and negligent manner, hit the bus, as a result, an accident took place and on account of the unfortunate accident, three victims died on the spot. Subsequently, the 4th respondent, Inspector of Police, Roshanai Police Station, Tindivanam, Villupuram District, registered a case in Crime No.276 of 2015 on 23.05.2015 for the offences punishable under Section 279, 337 and 304 (A) IPC. Pursuant thereto, the 5th respondent, placed the petitioner under suspension for the above incident for a period of 30 days. Thereafter, the petitioner was permitted to join duty by producing the original driving licence and after undergoing medical fitness test. However, the petitioner was unable to join duty since his driving licence has been seized by the 4th respondent. Therefore, the grievance of the petitioner, according to the learned counsel for the petitioner is that before seizing the driving licence of the petitioner, he ought to have been put on notice. According to the learned counsel, the 4th respondent has not applied the conditions mentioned the Judgment in the case of Sethuraman vs. The Licensing Authority, Dindigul, reported in 2010 WLR 100.

4. However, the learned counsel for the petitioner fairly submitted that the petitioner has been served with notice dated 04.06.2015.

5. As the petitioner has already received notice dated 04.06.2015, this Court considering the fact that the vehicle driven by the petitioner met with an accident on 23.05.2015 taking away three innocent lives, directs the petitioner to approach the 3rd

respondent, the Regional Transport Officer, Tindivanam for enquiry, who shall complete the enquiry and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Transport Commissioner
Chepauk Chennai-5.
2. The Assistant License Issuing Authority
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Kallakurichi Villupruam District.
3. The Regional Transport Officer
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Villupruam District.
5. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Thiruvannamalai Zone
Thiruvannamalai District.

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.30459
+1cc to Mr.M.V.Muralidaran, Advocate, S.R.No.30663
+1cc to the Government Pleader, S.R.No.30591

SKV(CO)
CA(28/07/2015)

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