

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21780 of 2015

S.Selvam

.. Petitioner

-vs-

1. The Transport Commissioner
Chepauk
Chennai 600 005
2. The Assistant License Issuing Authority
Regional Transport Office
K.K.Nagar
Chennai 600 078
3. The Regional Transport Officer
O/o the Regional Transport Office
Pulianthope
Chennai
4. The Inspector of Police
C2 Flower Bazaar Police Station
Chennai 600 001
5. The General Manager
Metropolitan Transport Corporation
Chennai Limited
Chennai 600 002

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to return the petitioner's driving license in D.L.No.TN 09 19910005804 to enable him to join duty before the fifth respondent Transport Corporation.

For Petitioner :: Mr.M.V.Muralidaran

For Respondents :: Mr.A.Kumar
Special Government Pleader for
R1 to R4
Mr.P.Kannan Kumar for R5

ORDER

This writ petition has been filed by Mr.S.Selvam, whose license was originally impounded by the fourth respondent and handed over to the Regional Transport Officer, Chennai East, which has now been handed over to the Regional Transport Officer, Chennai West, on the ground that when the petitioner's vehicle met with an accident on 30.5.2015 at about 7.45 A.M., while driving the bus in Route No.44C/E bearing Fleet No.TWI 0426, as a result, one of the motorcyclists, who was riding on the right side of his bus, fell down due to his rash and negligent driving and finally suffered a fatal injury. A case was registered in Crime No.70/C3/2015 on 30.5.2015 for the offence under Section 304-A of Indian Penal Code and Section 184 of the Motor Vehicles Act. Immediately thereafter, the petitioner made a representation on 26.6.2015 to the respondents to return his license. But till date, the respondents have not come forward to issue any notice whatsoever or to hold any enquiry to find out the real truth. In similar circumstances, this Court in the case of P.Sethuram v. The Licensing Authority, The Regional Transport Officer, Dindigul, 2010 W.L.R. 100 has held in favour of the appellant/writ petitioner holding that the impounding of license cannot be made without the issuance of show cause notice. In the present case, neither a show cause notice nor any order has been issued by the respondents, therefore, the petitioner is entitled to get back his license, without which the fifth respondent-General Manager, Metropolitan Transport Corporation, Chennai is not permitting him to join duty.

2. Learned Special Government Pleader for the respondents 1 to 4, on instructions, has submitted that originally when the fourth respondent-Inspector of Police had handed over the license of the petitioner to the Regional Transport Officer, Chennai East wrongly, it has been now handed over to the Regional Transport Authority, Chennai West. Adding further, he fairly submitted that till date no notice has been issued.

3. When the impounding of the petitioner's license had taken place without any notice whatsoever, as held by this Court in P.Sethuram's case (supra), the writ petitioner is entitled to succeed. Accordingly, the writ petition is allowed with a direction to the Regional Transport Officer, Chennai West to return the license of the petitioner on production of a copy of this order. It is open

to the respondents to proceed against the petitioner in accordance with law. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ss

To

1. The Transport Commissioner
Chepauk
Chennai 600 005
2. The Assistant License Issuing Authority
Regional Transport Office
K.K.Nagar
Chennai 600 078
3. The Regional Transport Officer
O/o the Regional Transport Office
Pulianthope
Chennai
4. The Inspector of Police
C2 Flower Bazaar Police Station
Chennai 600 001
5. The General Manager
Metropolitan Transport Corporation
Chennai Limited
Chennai 600 002
6. The Regional Transport Officer
Chennai West
Chennai 600 078
7. The Regional Transport Officer,
Chennai East, Chennai.

+1 cc to Mr.M.V.Muralidharan, Advocate, sr.38894
+1 cc to The Government Pleader, sr.39092

W.P.No.21780 of 2015

jsv (co)
kra(31/08)