

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.6607 of 2015 &
M.P.No. 1 of 2015

P.Kamaraj

... Petitioner

vs.

1. The Licensing Authority,
Road Transport Office,
Coimbatore (Central),
Dr.Balasundaram Salai,
Coimbatore - 641 018.
 2. Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Rep. By its General Manger,
37, Mettupalayam Road,
Coimbatore - 46.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus, calling for the records pertaining to the order dated 24.11.2014 passed by the 1st respondent in Rc.No.14776/RTO/Coimbatore(Central), quash the same and consequently direct the 1st respondent to return the petitioner forthwith the petitioner original driving licence without any endorsement.

For Petitioner : Mr.V.Ajay Khose

For Respondents : Mrs.E.Raniselvam
Addl. Govt. Pleader - for R1
Mr.S.Sairaman - for R2

ORDER

Heard Mr.V.Ajay Khose, learned counsel appearing for the petitioner. Mrs. E.Raniselvam, learned Additional Government Pleader takes notice for the first respondent and Mr.S.Sairaman, learned counsel takes notice for the second respondent. By consent of

both the counsels, the writ petition itself is taken up for final hearing at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Certiorari mandamus to call for the records pertaining to the impugned order dated 24.11.2014 passed by the 1st respondent, to quash the same and consequently direct the first respondent to return the licence to petitioner forthwith without any endorsement.

3. It is the case of the petitioner that he joined services of the second respondent Corporation as a Driver in the year 2010. On 25.10.2013, when he was assigned duty in route No.140 in bus bearing No.TN 38 N 2454, the bus met with an accident with a motorcycle. On 28.10.2013, he reported for work. However, the Branch Manager did not allow him to join duty. The petitioner was enlarged on bail on 8.11.2013. On 12.11.2013, a memo was issued to the petitioner. On 27.2.2014, the Human Resource Development Officer got his original driving licence by saying that he wanted to see the same, however, the driving licence was not returned to the petitioner. On 25.3.2014, he made a representation to the second respondent for return of the driving licence. However, the first respondent, has passed the impugned order dated 24.11.2014 suspending the driving licence for the period of 7 months from 31.10.2014 to 30.05.2015. In these circumstances, the petitioner has filed the present writ petition.

4. Mr.V.Ajay Khose, learned counsel appearing for the petitioner submitted that in similar circumstances a Division Bench of this court in the judgement reported in 2010 Writ L.R. 100 [P.Sethuram v. The Licensing Authority, The Regional Transport Office, Dindigul] held that impounding of the licence has actually preceded the issue of show cause notice and the second respondent has pre-concluded the issue that the appellant is guilty of rash and negligent driving, even before the Criminal Court or the Motor Accidents Claims Tribunal went into the issue and quashed the order suspending the driving licence.

5. The learned Additional Government Pleader also fairly submitted that the issue involved in the present writ petition is covered by the order passed by the Division Bench of this court reported in 2010 Writ LR 100 (Cited supra).

6. Following the said judgement, I had an occasion to quash the similar impugned order in W.P.No.3925 of 2015, dated 04.03.2015 and the facts and circumstances of the case on hand squarely applies to the ratios laid down in the said orders.

7. In these circumstances, the impugned order dated 24.11.2014 suspending the petitioner's licence from 31.10.2014 to 30.05.2015, passed by the first respondent, is quashed and the second

respondent is directed to return the diving licence of the petitioner, within a week from the date of receipt of a copy of this order. However, it shall not preclude the respondent from initiating any action, if any of the contingencies specified in Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the Act are violated.

With these observations, the writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Licensing Authority,
Road Transport Office,
Coimbatore (Central),
Dr.Balasundaram Salai,
Coimbatore - 641 018.
2. The General Manger,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore - 46.

सत्यमेव जयते

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CA(CO)
CA(13/03/2015)

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