

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.10417 of 2016

M. Barnabas

.... petitioner

v.

1. The Inspector of Police,
Traffic Investigating Wing,
T-12, Poonamallee Police Station,
Chennai - 58

2. The Licensing Authority-cum-
Regional Transport Officer,
Ambattur,
Chennai -53

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to return the petitioner's driving licence bearing DL No.TN01 19900002718 forthwith.

For Petitioner : Mr.K. Hariharan

For Respondent : Mr.A.Zakir Hussain
Govt. Advocate

ORDER

The petitioner has filed the above writ petition to issue Writ of Mandamus directing the second respondent to return the petitioner's driving licence bearing DL No.TN01 19900002718 forthwith.

2. It is the case of the petitioner that even before the completion of the criminal case, registered against the petitioner, the respondents had seized the driving licence of the petitioner, which is contrary to the judgment reported in 2015(2) CTC 626 (R. Ravi vs The Regional Transport Officer, Transport Department, Chennai - 600 078 (Chennai West), wherein, I had an occasion to direct the respondent to return the driving licence to the petitioner, when the criminal case was not completed.

3. Mr. A. Zakir Hussain, learned Government Advocate, taking notice of the respondents, submitted that the relief

sought for in the writ petition is covered by the decision of this court reported in 2015(2) 626 (R. Ravi vs The Regional Transport Officer, Transport Department, Chennai - 600 078 (Chennai West)).

4. Having regard to the submissions made by the learned counsel on either side, following the judgment of this court, I direct the second respondent to return the petitioner's original driving licence bearing DL No.TN01 19900002718 to the petitioner forthwith on production of a copy of this order. However, it shall not preclude the respondents 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. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Inspector of Police,
Traffic Investigating Wing,
T-12, Poonamallee Police Station,
Chennai - 58

2. The Licensing Authority-cum-
Regional Transport Officer,
Ambattur,
Chennai -53

1 cc to Mr.K.Hariharan, Advocate, sr.17707

1 cc to The Government Pleader, sr.18017

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