

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.10743 of 2016

P.S.Shanmugam

... Petitioner

Vs.

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The License Issuing Authority,
Regional Transport Office,
Thiruvallur, Thiruvallur District.
- 3.The Regional Transport Officer,
Ambattur Regional Transport Office,
Thiruvallur District.
- 4.The Inspector of Police,
Traffic Investigating Wing,
K-12, Poonamallee Police Station,
Thiruvallur District.
- 5.The Branch Manager,
Avadi Depot,
Thiruvallur District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 20 Z 19850000415 and enable him to join duty before the 5th respondent.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.A.Zakir Hussain,
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 20 Z 19850000415 and enable him to join duty before the 5th respondent.

2.It is the case of the petitioner that even before the completion of the criminal case, the respondents 1 to 4 had seized the petitioner's Driving License, which is contrary to the judgment of the Division Bench of this Court reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul]. Following the judgment of the Division Bench, I have also disposed of a Writ Petition in W.P.No.5514 of 2016 by order dated 15.02.2016 directing the respondents to return the Driving License to the petitioner therein.

3.Mr.A.Zakir Hussain, learned Government Advocate taking notice for the respondents submitted that the issue involved in the present Writ Petition is covered by the decisions of this Court reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul] and W.P.No.5514 of 2016 dated 15.02.2016.

4.Since the respondents 1 to 4 had seized the Driving License even before the completion of the criminal case, following the ratio laid down in the decision reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul] and W.P.No.5514 of 2016 dated 15.02.2016, I direct the respondents 1 to 4 to return the petitioner's driving license on production of a copy of this order. However, it is open for the respondents 1 to 4 to proceed in accordance with law after issuing notice.

5.With this observation, the Writ Petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

va

To

1.The Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The License Issuing Authority,
Regional Transport Office,
Thiruvallur, Thiruvallur District.

3.The Regional Transport Officer,
Ambattur Regional Transport Office,
Thiruvallur District.

4.The Inspector of Police,
Traffic Investigating Wing,
K-12, Poonamallee Police Station,
Thiruvallur District.

5.The Branch Manager,
Avadi Depot,
Thiruvallur District.

1 cc to Mr.M.V . Muralidaran, Advocate, Sr. 18178

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