

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.11594 of 2016

V.Ramesh

... Petitioner

Vs.

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The License Issuing Authority,
Theni Regional Transport Office,
Theni District.
- 3.The Regional Transport Officer,
Regional Transport Office,
Chinmaya Nagar, Chennai.
- 4.The Inspector of Police,
Traffic Investigating Wing,
T12 Poonamallee Police Station,
Poonamallee, Thiruvallur District.
- 5.The General Manager,
Metropolitan Transport Corporation,
Pallavan House, Chennai - 600 002.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 3 to return the petitioner's driving license in D.D.No. TN 60 201000002663 and enable him to join duty before the 5th respondent.

For Petitioner : Mr.R.Surya Prakash

For Respondents : Mr.P.V.Selva Kumar,
Additional Government Pleader

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 3 to return the petitioner's driving license in D.D.No. TN 60 201000002663.

2. According to the petitioner, the respondents had seized his Driving License even before the completion of the criminal case pending against the petitioner. Admittedly, the 4th respondent registered a case under Sections 279 and 304 A of the Indian Penal Code in Crime No.292/TH3/2016 dated 16.03.2016. However, even before the completion of the criminal case, the respondents had seized the Driving License of the petitioner, which is against the proposition laid down by the Division Bench of this Court in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul].

3. Mr. P.V. Selva Kumar, learned Additional Government Pleader taking notice for the respondents submitted that the issue involved in the present Writ Petition is covered by the decision referred above.

4. In these circumstances, following the ratio laid down by the Division Bench of this Court in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul], I also had an occasion to direct the authorities concerned to return the Driving License of the petitioner in W.P.No.8164 of 2016 dated 08.03.2016. Hence, I direct the respondents 1 to 3 to return the petitioner's driving license to the petitioner forthwith on production of a copy of this order. However, it is open for the respondents to proceed in accordance with law after issuing notice.

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

va

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

1. The Transport Commissioner,
Chepauk, Chennai - 600 005.
2. The License Issuing Authority,
Theni Regional Transport Office,
Theni District.
3. The Regional Transport Officer,
Regional Transport Office,
Chinmaya Nagar, Chennai.

4.The Inspector of Police,
Traffic Investigating Wing,
T12 Poonamallee Police Station,
Poonamallee, Thiruvallur District.

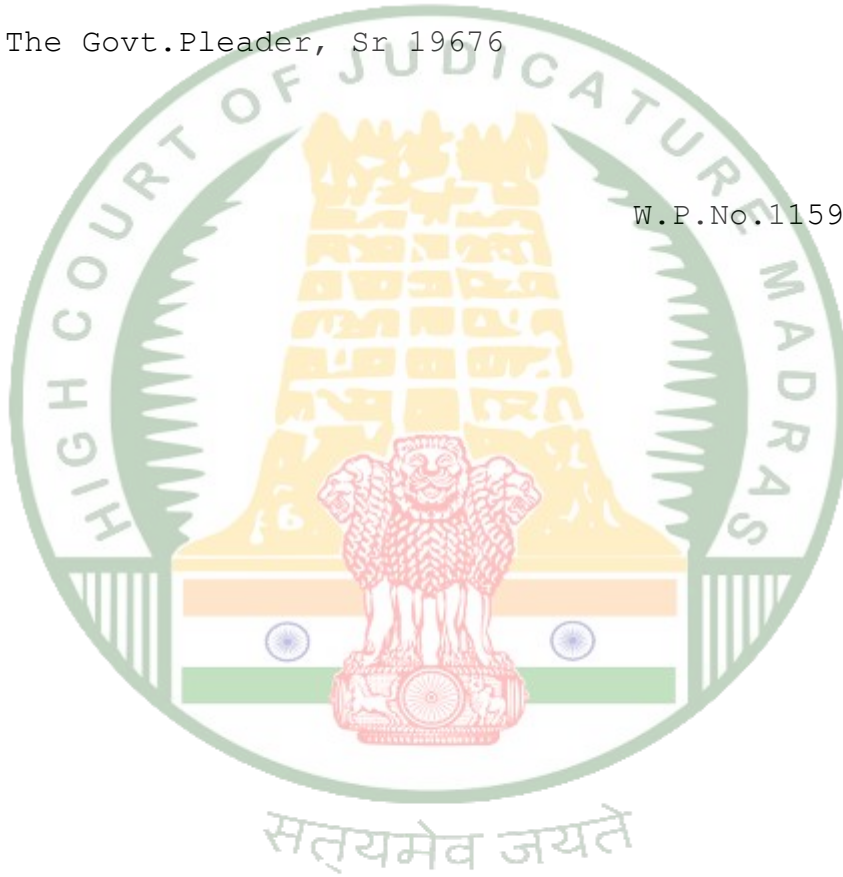
5.The General Manager,
Metropolitan Transport Corporation,
Pallavan House,
Chennai - 600 002.

+ 1 cc to Mr.R.Surya Prakash, Advocate Sr 19509

+ 1 cc to The Govt.Pleader, Sr 19676

KR/1/4/16

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