

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.16179 of 2016

R.Kishorekumar

... Petitioner

Vs.

1.The Regional Transport Officer,
Tiruppur (South), Tiruppur.

2.The Inspector of Police,
Vellakoil.

3.The Motor Vehicle Inspector,
Kangeyam.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the 1st respondent to return the petitioner's Driving License bearing No.TN 39 20050007979 forthwith.

For Petitioner : Mr.A.Ganesan
For Respondents : Mr.A.Raja Perumal,
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of 1st respondent to return the petitioner's Driving License bearing No.TN 39 20050007979 forthwith.

2.It is the case of the petitioner that he is working as a Driver in a Private Company. While he was driving the vehicle bearing registration No.TN 39 W 1153, the vehicle met with an accident with one motorcycle and in the course of the accident, a person had died. The respondent police registered a case under Sections 279 and 304 A of the Indian Penal Code against the petitioner on 04.04.2016. According to the petitioner, his Driving License was seized and the same was handed over the 3rd respondent and in turn, the 3rd respondent forwarded the same to the 1st respondent for further action. Inspite of the petitioner's representation dated 18.04.2016, the respondents have not returned the Driving License.

3.The learned counsel appearing for the petitioner submitted that this Court in similar circumstances in the judgment reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]] this Court had directed the respondent to return the Driving License to the petitioner.

4.Mr.A.Raja Perumal, learned Government Advocate taking notice for the respondents submitted that in view of he earlier order passed by this Court, the 1st respondent may be directed to return the Driving License.

5.Having regard to the submissions made by the learned counsel on either side, following the judgment of this Court, I direct the 1st respondent to return the petitioner's original Driving License 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.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

va
To

1.The Regional Transport Officer,
Tiruppur (South), Tiruppur.

2.The Inspector of Police,
Vellakoil.

3.The Motor Vehicle Inspector,
Kangayam.

+1 cc to Mr.A.Ganesan Advocate sr.26864

+1 cc to Government Pleader sr.27106

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