

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.17230 of 2016

N.Mohamed Meeran

... Petitioner

Vs.

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
Regional Transport Office,
Redhills, Thiruvallur District.
- 3.The Regional Transport Officer,
O/o. Regional Transport Office,
Chinmaya Nagar,
Virugambakkam,
Chennai - 600 092.
- 4.The Inspector of Police,
T-12, Traffic Investigation Wing,
Poonamallee,
Chennai - 600 056.
- 5.The General Manager,
Metropolitan Transport Corporation,
Pallavan House, Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 4 to return the petitioner's driving licence in D.L.No.TN 20 X 19870000534 to enable him to join and continue his service in the fifth respondent transport/Corporation.

For Petitioner : Mr.B.Sundara Pandiyan

For Respondents 1 to 4 : Mr.A.Zakkir Hussain
Government Advocate

For Respondent -5 : Mr.P.Kannankumar
Standing Counsel

O R D E R

The prayer sought for in the Writ Petition, is for issuance of a writ of mandamus, to direct respondents 1 to 4 to return the petitioner's driving licence, bearing D.L.No.TN 20 X 19870000534 to him forthwith.

2. At the outset, Mr.B.Sundara Pandiyan, the learned counsel for the petitioner would submit that the issue involved in this Writ Petition is wholly covered by a decision rendered by the learned Single of this Court in W.P.No.10898 of 2016, on 23.3.2016. The learned counsel also annexed a copy of that order, dated 23.3.2016 in the typed-set of papers for reference of this Court. A perusal of the aforesaid order would go to show that the learned Single Judge, after following the decision of the Hon'ble Division Bench of this Court, in the case of (P.Sethuram Vs. The Licensing Authority, the Regional Transport Officer, Dindigul) reported in (2010) Writ Law Reporter Page 100, has disposed of the Writ Petition, directing the respondents to return the driving license to the petitioner therein forthwith. The learned counsel, therefore, prays that, in the light of the aforesaid order, the present Writ Petition may also be disposed of, on the same lines, as the petitioner herein is similarly placed as that of the petitioner in W.P.No.10898 of 2016. At this stage, it would be beneficial to quote the operative portion of the order, dated 23.3.2016, which is as hereunder:-

"5. In these circumstances, following the ratio laid down in the decision in (2010) Writ Law Reporter Page 100 (P.Sethuram Vs. The Licensing Authority, the Regional Transport Officer, Dindigul), I direct the respondents to return the 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.

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

3. Mr.A.Zakkir Hussain, the learned Government Advocate for respondents 1 to 4 and Mr.P.Kannankumar, learned Standing Counsel for fifth respondent do not dispute the position, and agree that the Writ Petition can be disposed of on the same lines.

4. Thus, in the light of the decision of the Hon'ble Division Bench rendered in P.Sethuram'case, referred to above, the present Writ Petition is disposed of , directing the respondents 1 to 4 to return the driving license to the petitioner forthwith on production of a copy of this order. However, it is open to the respondents to proceed in accordance with law after issuing notice. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
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Redhills, Thiruvallur District.
- 3.The Regional Transport Officer,
O/o. Regional Transport Office,
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- 4.The Inspector of Police,
T-12, Traffic Investigation Wing,
Poonamallee,
Chennai - 600 056.
- 5.The General Manager,
Metropolitan Transport Corporation,
Pallavan House, Chennai - 600 002.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.30334
+1cc to the Government Pleader, S.R.No.30164

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GR(CO)
CA(13/06/2016)