

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.05.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Writ Petition No.18330 of 2016

M.Munikannu

... Petitioner

Vs.

1. The Transport Commissioner
Chepauk
Chennai - 600 005
2. The Assistant License Issuing Authority
Thiruvannamalai Regional Transport Office
Thiruvannamalai
3. The Regional Transport Officer
Gingee Regional Transport Office
Gingee, Villupuram District
4. The Regional Transport Officer
Tindivanam Regional Transport Office
Tindivanam, Villupuram District
5. The Inspector of Police
Gingee Police Station
Villupuram District
6. The General Manager
Tamil Nadu State Transport
-Corporation (Villupuram)
Thiruvannamalai Region
Thiruvannamalai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the respondents 1 to 5 to return the petitioner's driving license in D.L.No.TN25 19920000627 to enable him to join and continue his service in the 6th respondent transport corporation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents: Mr.R.Govindasamy
Special Government Pleader
for R1 to R5
Mr.P.Paramasivadosh for R6

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. Learned counsel for the petitioner would state that he is in the services of the Tamil Nadu State Transport Corporation as a driver at Thiruvannamalai Region and the bus bearing Registration No. TN25-N-0240 in Route No. 209/A met with an accident on 29.04.2016 resulted in a death of an individual and in this regard, the fifth respondent has registered a case in Crime No. 221 of 2016 on 29.04.2016 for the alleged commission of the offences under Sections 279 and 304(A) IPC. It is the further submission of the learned counsel for the petitioner that without issuing any show-cause notice whatsoever, the Driving Licence of the petitioner has been straightaway suspended by the third respondent and drawn the attention of this Court of the judgment rendered by this Court reported in 2010 Writ L.R.100 (P.Sethuram Vs. The Licensing Authority, the Regional Transport Officer, the Regional Transport Office, Dindigul), wherein the Division Bench has held that the respondents therein, namely the Transport Commissioner, Chennai, the License Issuing Authority, Regional Transport Office, Chennai and Regional Transport Officer, K.K.Nagar, Chennai cannot seize the Driving License before the completion of the criminal case and prays for return of the Driving License.

3. This Court heard the submissions of Mr. R. Govindasamy, learned Special Government Pleader, who accepts notice for respondents 1 to 5 and Mr. P. Paramasivadoss, learned standing counsel who accepts notice for the sixth respondent.

4. Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the third respondent to consider and dispose of the petitioner's representation dated 16.05.2016 on merits and in accordance with law, after taking note of the judgment rendered by 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) and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Transport Commissioner
Chepauk
Chennai - 600 005
2. The Assistant License Issuing Authority
Thiruvannamalai Regional Transport Office
Thiruvannamalai
3. The Regional Transport Officer
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Gingee Police Station
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6. The General Manager
Tamil Nadu State Transport
-Corporation (Villupuram)
Thiruvannamalai Region
Thiruvannamalai District

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.28738
+1cc to the Government Pleader, S.R.No.28887

UG(CO)
EU(09/06/2016)

सत्यमेव जयते

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