

In the High Court of Judicature at Madras

Dated : 07.6.2016

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No. 19019 of 2016

K. Devaraj

...Petitioner

Vs.

1. The Regional Transport Officer,
North, Tiruppur District.

2. The Motor Vehicle Inspector,
Grade I, Kangeyam, Tirupur Dist.

3. The Inspector of Police, Vellakoil
Police Station, Vellakoil, Tirupur
District, Tirupur.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to return the petitioner's driving licence bearing DL.TN-47-19940000325 forthwith.

For Petitioner : Mr. A. Ganesan

For Respondents : Mr. R. Lakshmi Narayanan,
Addl. Govt. Pleader

ORDER

Mr. R. Lakshmi Narayanan, learned Additional Government Pleader takes notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. In this writ petition, the petitioner seeks to direct the first respondent to return his driving licence.

3. It is the case of the petitioner that he is a Driver in Tamil Nadu State Transport Kangeyam Division and in the accident that had occurred on 22.4.2016, a motorcyclist sustained a fatal injury and died on the spot. The third respondent police had

registered a case under Sections 279 and 304(A) of the Indian Penal Code in Crime No.270 of 2016 dated 22.4.2016. The third respondent handed over the driving licence to the second respondent, who, in turn, handed over the same to the first respondent. Hence the above writ petition.

4. The learned counsel appearing for the petitioner submitted that the issue involved in this writ petition is covered by a decision of this Court in the case of R.Ravi Vs. Regional Transport Officer, Transport Department, Chennai-78 [reported in 2015 (2) CTC 626] wherein it has been held as follows:

"Following the ratio laid down by the Division Bench of this Court reported in P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, Dindigul, 2009 (2) TN MAC 252 (DB) : 2010 WLR 100, the impugned Order passed by the Respondent is liable to be set aside and accordingly, the same is set aside. The Respondent is directed to return the Driving Licence of the petitioner within a week from the date of receipt of a copy of this Order. However, it shall not preclude the Respondent 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."

5. Mr.R.Lakshmi Narayanan, learned Additional Government Pleader appearing for the respondents also submitted that the issue is covered by the judgment of this Court reported in 2015 (2) CTC 626 (cited supra).

6. Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in the said judgment, the first respondent is directed to return the driving license of the petitioner within a week's time from the date of receipt of a copy of this order. However, it shall not preclude the respondents from initiating any action, if any of the contingencies, specified under the Motor Vehicles Act, arises later or if any of the Rules as prescribed by the Central Government, in pursuance of the provisions of the said Act, are violated.

7. With this observation, the writ petition is allowed. No costs.

rs

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Regional Transport Officer, North, Tiruppur District.

2.The Motor Vehicle Inspector, Grade I, Kangayam, Tirupur Dist.

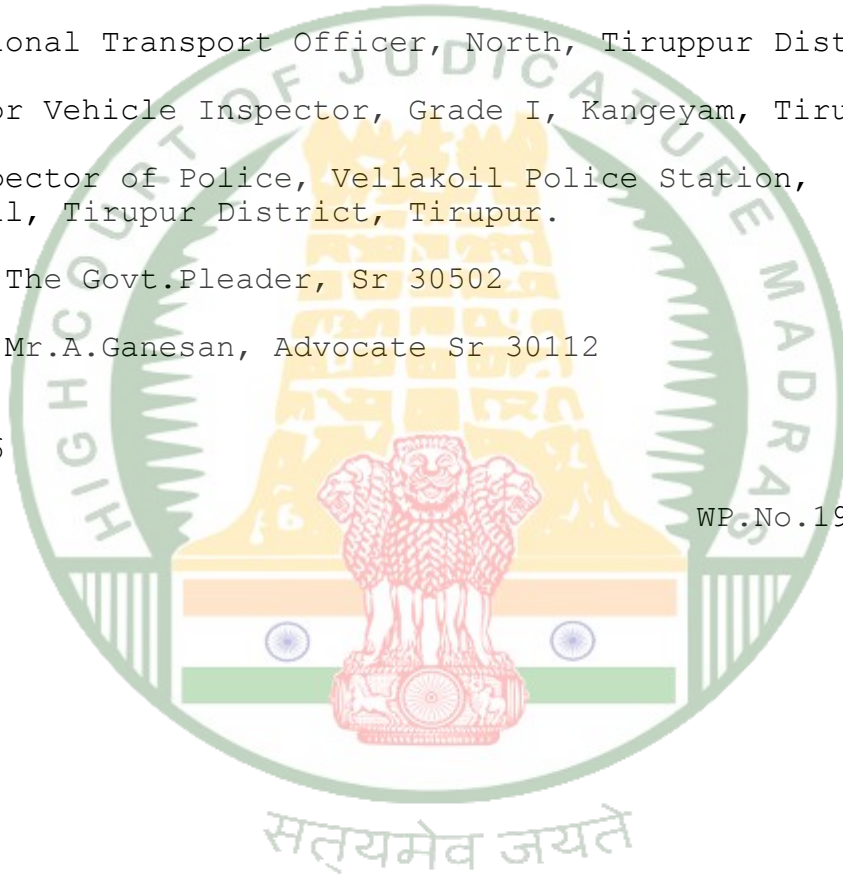
3.The Inspector of Police, Vellakoil Police Station,
Vellakoil, Tirupur District, Tirupur.

+ 1 cc to The Govt.Pleader, Sr 30502

+ 1 cc to Mr.A.Ganesan, Advocate Sr 30112

KR/15/6/16

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