

In the High Court of Judicature at Madras

Dated : 12.07.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.23179 of 2016

M.Rathinakumar

...Petitioner

Vs

1.The Inspector of Police,
Traffic Investigating Wing,
T-12, Police Station,
Poonamallee, Chennai-56

2.The Licensing Authority cum-Regional
Transport Officer,
Poonamallee,
Chennai-56

...Respondents

PETITION filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to return the original driving licence (DL.No.TN76 Z20010001115) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.Mohamed Mushtak,G.A.

ORDER

Mr.Mohamed Mushtak, learned Government Advocate 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 second respondent to return his driving licence.

3. It is the case of the petitioner that he is a driver in Metropolitan Transport Corporation, Chennai, and in the accident that had occurred on 10.06.2016, a motor cycle rider hit on a pedestrian, who died on the spot. Subsequently, the first respondent police had registered a case under Sections 279 and

304(A) of the Indian Penal Code and Section 134(a) (b) r/w 187 of the Motor Vehicles Act, in which, the petitioner's name has also been included. The first respondent handed over the driving licence of the petitioner to the second 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.Mohamed Mushtak, learned Government Advocate 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 second 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.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msk

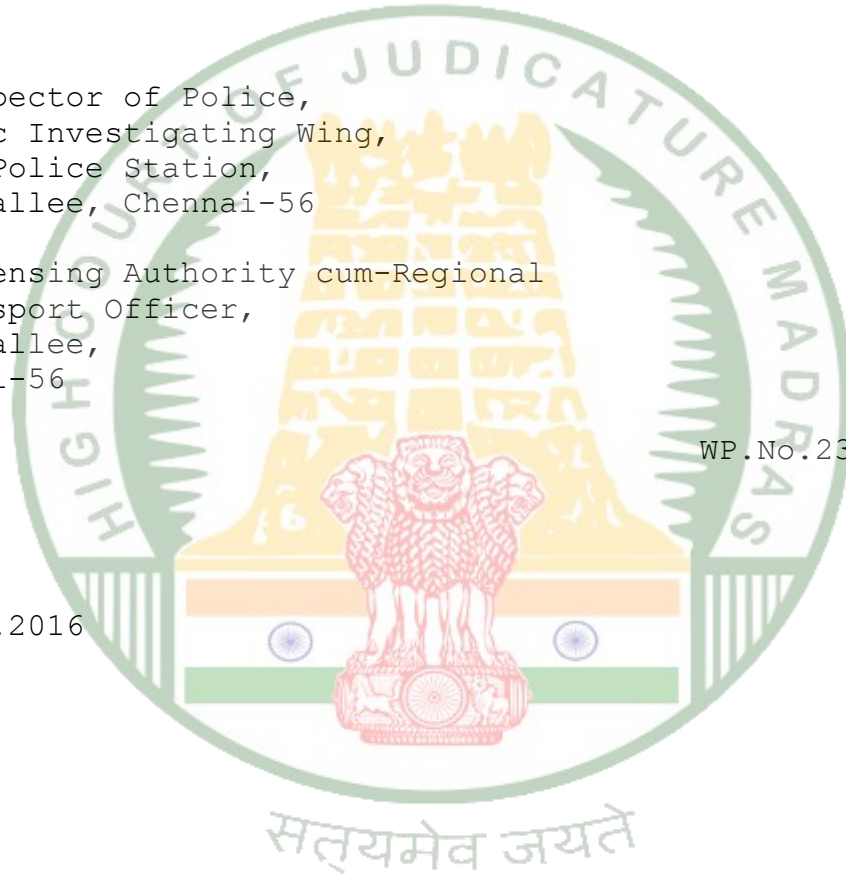
To

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Poonamallee, Chennai-56

2.The Licensing Authority cum-Regional
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