

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.23713 of 2016

and

W.M.P.Nos.20319 and 20320 of 2016

P.Kanagaraj

...Petitioner

Vs.

Regional Transport Authority/ Licensing Authority,
O/o. Regional Transport Authority,
Mettupalayam, Coimbatore.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records, pertaining to the order passed by the respondent in Se.Mu.Order No.17423/A3/2016, dated 01.06.2016, and to quash the same, and consequently, to direct the respondent to return the petitioner's original licence, bearing No.TN 40 19980000195, to him forthwith, without any endorsement.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.A.Zakkir Hussain
Government Advocate

सत्यमेव जयते
O R D E R

Heard Mr.V.Ajoy Khose, learned counsel appearing for the petitioner, and Mr.A.Zakkir Hussain, learned Government Advocate, accepting notice for the respondent, and with their consent, the Writ Petition is taken up for final disposal.

2. The petitioner has come up with the present Writ Petition, praying for issuance of a writ of certiorarified mandamus to quash the order passed by the respondent, whereby, the petitioner's driving licence has been suspended temporarily, and consequently, to direct the respondent to return the petitioner's driving license immediately.

3. The case of the petitioner, as given in the affidavit, filed in support of the Writ Petition is that he has been working as a Driver in Tamil Nadu State Transport Corporation (Coimbatore) Limited. On 04.05.2016, in and around 06.50 a.m. while he was driving the Bus, between Coimbatore and Mettupalayam, via Tudiyalur, a man, who was in an unconscious condition, in his attempt to cross the road, came and hit the Bus, as a result of which, he sustained head injury. Pursuant to the said accident, a case has been registered against the petitioner, in Cr.No.234 of 2016, for the alleged commission of offence under Section 279 and 304 (A) IPC and the matter is pending investigation. Owing to the said complaint, the respondent, without even affording an opportunity to the petitioner and without conducting any enquiry, has suspended the petitioner's driving licence. Being aggrieved by the same, the petitioner is before this Court, with this Writ Petition.

4. The learned counsel for the petitioner would submit that the issue involved in this Writ Petition is covered by a decision of this Court, in W.P.No.22185 of 2016, dated 11.07.2016, which was rendered, following the decision reported in (2015) 2 C.T.C. 625 in (R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai), wherein, direction was issued to the respondent/Regional Transport Officer to return the Driving Licence to the petitioner. The learned counsel also produced a photocopy of the order, dated 11.07.2016 for reference, and prayed that similar direction may be issued in the present case as well.

5. The learned Government Advocate for the respondent would submit that relief sought for in the writ petition is covered by the decision of this Court, reported in (2015) 2 C.T.C. 625 (cited supra).

6. In the light of the decision rendered in the above referred case, following which, W.P.No.22185 of 2016, was disposed of by me, the present Writ Petition can also be disposed of on the same lines. Accordingly, the Writ Petition is disposed of, directing the respondent to return the petitioner's original driving license to him forthwith on production of a copy of this order. However, this order will not preclude the respondent from initiating any action against the petitioner, 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 Act, are violated. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

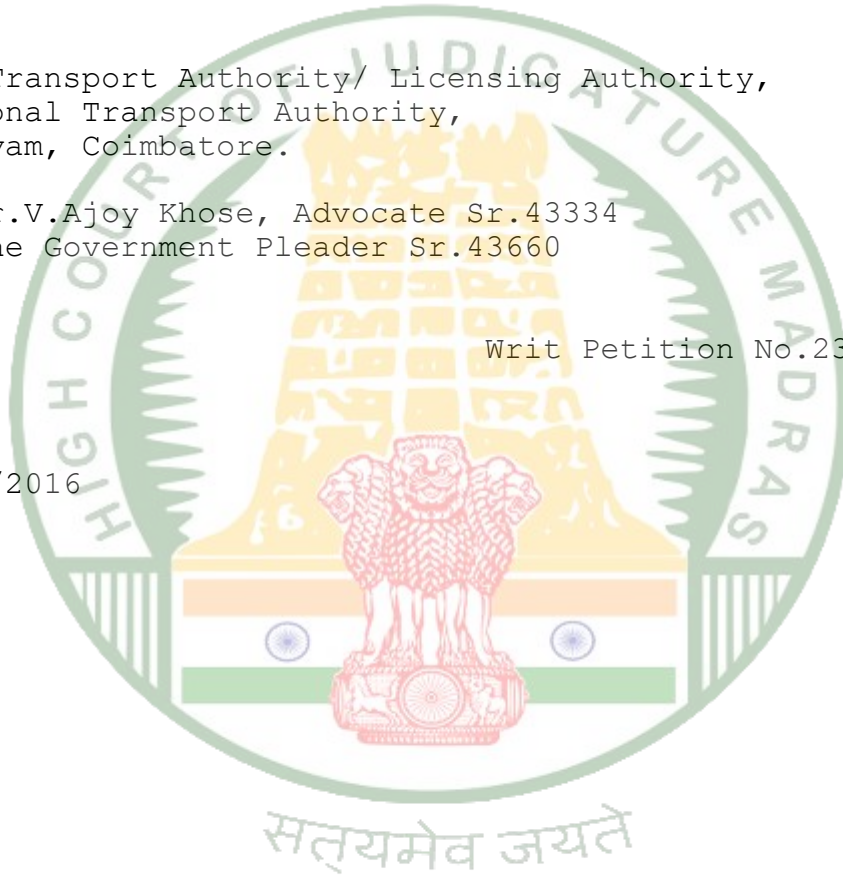
To

Regional Transport Authority/ Licensing Authority,
O/o. Regional Transport Authority,
Mettupalayam, Coimbatore.

+1cc to Mr.V.Ajoy Khose, Advocate Sr.43334
+1cc to the Government Pleader Sr.43660

Writ Petition No.23713 of 2016

ctr[col]
srg 03/08/2016



WEB COPY