

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23754 of 2016

C.Ramasundaram

... Petitioner

vs.

1.Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

2.The Licensing Authority-cum-
Regional Transport Officer,
Hosur, Krishnagiri District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the second respondent herein to return the original driving licence (DL.No.TN29 20000004001) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.R.Lakshmi Narayanan
1&2 Additional Government Pleader

O R D E R

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 second respondent to return his driving licence.

3.It is the case of the petitioner that he is a Driver in KPN Travels, Salem and in the accident that had occurred on 15.04.2016, a person, who was traveling in the motor cycle, died. Subsequently, the first respondent police had registered a case under Sections 279, 337 and 304-A of the Indian Penal Code. 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 the present Writ Petition is covered by the decision of this Court reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]] wherein it has been held as follows:

"Following the ratio laid down by the Division Bench of this Court reported in P.Sethuram V. 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."

4.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).

5.Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in the said judgment, the 2nd 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 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.

6.With this observation, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cse

To

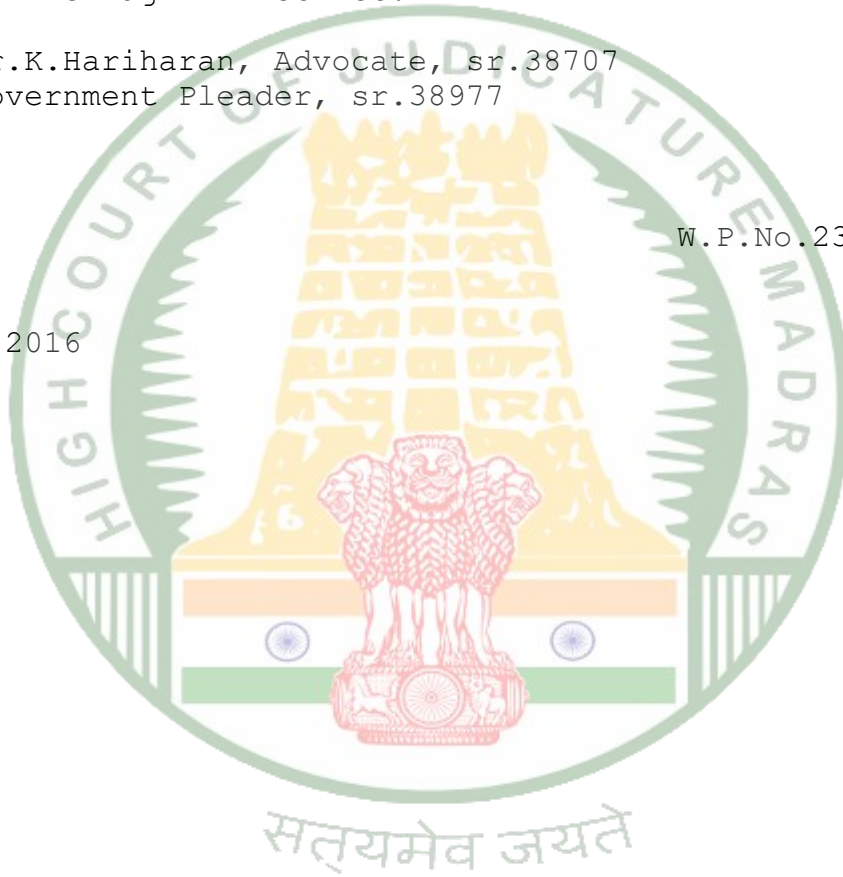
1. Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

2. The Licensing Authority-cum-
Regional Transport Officer,
Hosur, Krishnagiri District.

1 cc to Mr.K.Hariharan, Advocate, sr.38707
1 cc to Government Pleader, sr.38977

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pvs co
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