

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23758 of 2016

S.Karuppannan

.. Petitioner

Vs.

1. The Licensing Authority-cum-
The Regional Transport Officer,
Sankagiri, Salem District
2. The Inspector of Police,
Sankagiri Police Station,
Sankagiri, Salem District
3. The Motor Vehicles Inspector Grade - I,
Sankagiri, Salem District

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the first respondent made in Proceeding No.11874/E3/2016, dated 18.04.2016, for suspending the petitioner's driving licence bearing DL No.TN22 19970004191 (which is valid up to 28.08.2017) for the period of six months from 21.03.2016 to 20.09.2016 and quash the same and consequently direct the first respondent herein to return the driving licence to the petitioner after removing the endorsement 'suspended' forthwith.

For Petitioner : Mr. A.Ganesan

For Respondents : Mr.A.Zakkir Hussain, Govt. Advocate

ORDER

Heard Mr.A.Ganesan, the learned counsel for the petitioner and Mr.A.Zakkir Hussain, learned Government Advocate appearing for the respondents and with their consent, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this writ petition to issue a writ of Certiorarified Mandamus, to call for the records of the first respondent made in Proceeding No.11874/E3/2016, dated 18.04.2016, for suspending the petitioner's driving licence bearing DL No.TN22 19970004191 (which is valid up to 28.08.2017) for the period of six months from 21.03.2016 to 20.09.2016, quash the same and consequently direct the first respondent herein to return the driving licence to the petitioner after removing the endorsement 'suspended' forthwith.

3. The case of the petitioner is that, he is working as a Driver in the Tamil Nadu State Transport Corporation Limited, Salem Division, and on 16.02.2016, while he was driving the vehicle from Sankagiri to Salem, an accident had occurred and in the said accident, one pedestrian sustained grievous injuries and died. The police registered a First Information Report in F.I.R. No.100 of 2016, dated 17.02.2016 against the petitioner for the offence punishable under Sections 279 and 304(A) I.P.C. The police seized the original licence of the petitioner and handed over the same to the first respondent.

4. The learned counsel for the petitioner submitted that the issue involved in the writ petition is covered by the decision of this Court reported in 2015 (2) CTC 625 - (R.Ravi vs, The Regional Transport Officer, Transport Department, Chennai-600 078 (Chennai (West))), wherein a direction was issued to the respondents therein to return the Driving License to the petitioner.

5. Mr.A.Zakkir Hussain, learned Government Advocate, appearing for the respondents, submitted that the relief sought for in the writ petition is covered by the decision of this Court reported in 2015 (2) CTC 626 (cited supra).

6. Having regard to the submissions made by the learned counsel for both sides and in the light of the above decision, the first respondent is directed to return the petitioner's original Driving License to the petitioner forthwith, on production of a copy of this order. However, it shall not preclude the respondents 1 and 3 from initiating any action, if any, on the contingencies specified in 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.

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

Sd/-

सत्यमेव जयते
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Licensing Authority-cum-
The Regional Transport Officer,
Sankagiri, Salem District
2. The Inspector of Police,
Sankagiri Police Station,
Sankagiri, Salem District

3. The Motor Vehicles Inspector Grade - I,
Sankagiri, Salem District

+1 cc to Mr.A.Ganesan, Advocate,sr.43130

+1 cc to Govt.Pleader,sr.43320.

scd(co)
krd 1/8

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