

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23763 of 2016

S.Krishnamoorthy

... Petitioner

vs.

1.The Regional Transport Officer,
Balasundaram Road,
Coimbatore (Central), Coimbatore.

2.The Inspector of Police,
Coimbatore City Police Station-
Traffic Investigation Wing (East)
Kattoor, Coimbatore District.

3.The Motor Inspector Grade-I,
Coimbatore (Central), Coimbatore.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the first respondent herein to return the petitioner's driving licence bearing DL.No.TN57Z20010001232 which is valid upto 29.11.2016 forthwith.

For Petitioner : Mr.A.Ganesan
For Respondents : Mr.M.L.Mahendran
Government Advocate

सत्यमेव जयते

O R D E R

Mr.M.L.Mahendran, 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 first respondent to return his driving licence.

3.It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation Sungam Division and in the accident that had occurred on 20.05.2016, a drunken pedestrian sustained fatal injury and died in the spot.

Subsequently, the second respondent police had registered a case under Sections 279 and 304-A of the Indian Penal Code. The second respondent handed over the driving licence of the petitioner to the third 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 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.M.L.Mahendran, 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).

5.Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in the said judgment, the 1st 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Regional Transport Officer,
Balasundaram Road,
Coimbatore (Central), Coimbatore.

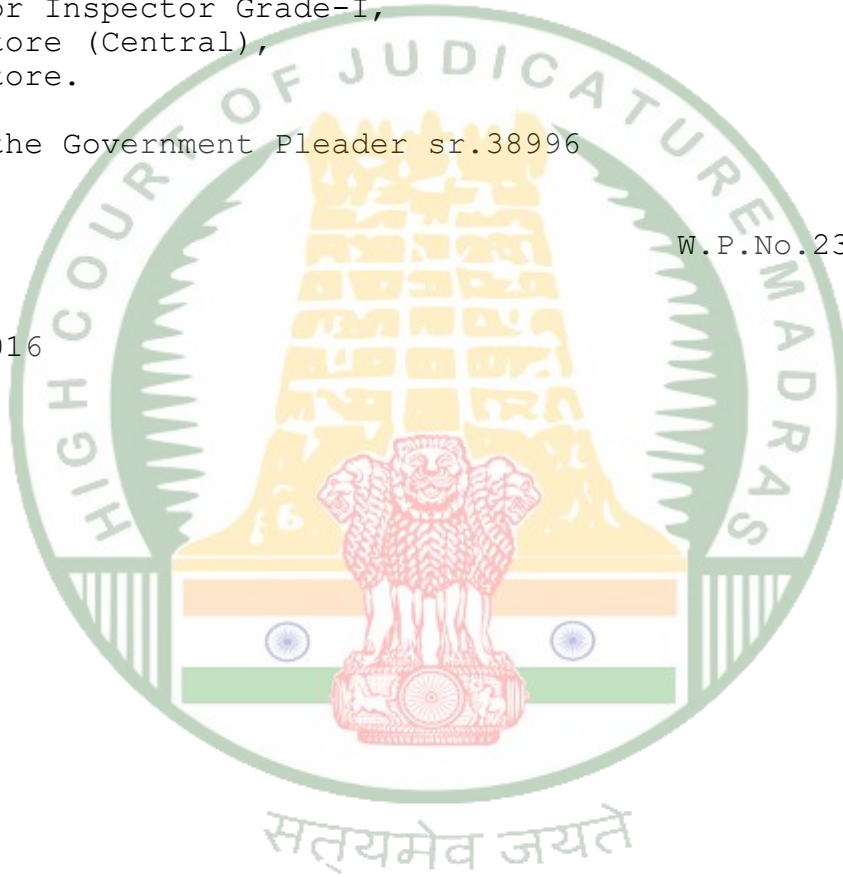
2.The Inspector of Police,
Coimbatore City Police Station-
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Kattoor, Coimbatore District.

3.The Motor Inspector Grade-I,
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Coimbatore.

+1 cc to the Government Pleader sr.38996

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