

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23765 of 2016

and WMP.No.20351 & 20352 of 2016

P.Muthukaruppan

.. Petitioner

Vs.

The Regional Transport Authority /
Licensing Authority,
Office of the Regional Transport Authority,
Ulundhurpettai, Vellupuram District

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, after calling for the records pertaining to the order, dated 29.06.2016, passed by the respondent in Che.Mu.Order No.3022/E3/2016, quash the same and consequently, direct the respondent to return forthwith the petitioner's original licence bearing No.TN39-19960003775, without any endorsement.

For Petitioner : Mr. V.Ajoy Khose

For Respondent : Mr.A.Mohammed Mushak
Government Advocate

ORDER

Heard Mr.V.Ajoy Khose, learned counsel for the petitioner and Mr.A.Mohammed Mushak, learned Government Advocate appearing for the respondent 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 pertaining to the order, dated 29.06.2016, passed by the respondent in Che.Mu.Order No.3022/E3/2016, quash the same and consequently, direct the respondent to return forthwith the petitioner's original licence bearing No.TN39-19960003775, without any endorsement.

3. The case of the petitioner is that, he is working as a Driver in the Tamil Nadu State Transport Corporation

(Kumbakonam) Limited and on 06.06.2016, while he was given special bus to drive from Trichy to Chennai, an accident had occurred and a man had died. The police registered an F.I.R. No.299, dated 07.06.2016 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 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 respondent to return the Driving License to the petitioner.

5.Mr.A.Mohammed Mushak, learned Government Advocate 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 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 respondent 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. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srk
To

1. The Regional Transport Authority /
Licensing Authority,
Office of the Regional Transport Authority,
Ulundhurpettai, Vellupuram District

1 cc to V.Ajoykhose, Advocate, sr.43332

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