

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26434 of 2016

S.Sundarraaj

.. Petitioner

vs.

1.The Regional Transport Officer
Dharapuram,
Tirupur District.

2.The Motor Vehicle Inspector
Dharapuram, Tirupur District.

3.The Inspector of Police
Kundadam Police Station
Kundadam, Tirupur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to direct the first respondent herein to return the petitioner's Driving Licence bearing DL. No.TN-43-19810001037 forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.J.Balagopal
Addl.Govt.Pleader

ORDER

Heard Mr.A.Ganesan, learned counsel appearing for the petitioner and Mr.J.Balagopal, learned Additional Government Pleader appearing for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition itself taken up for final disposal.

2.The petitioner has come forward with this Writ Petition for issuance of a writ of Mandamus, to direct the first respondent herein to return the petitioner's Driving Licence bearing DL. No.TN-43-19810001037 forthwith.

3. It is the case of the petitioner that he is a Driver working under the Tamil Nadu State Transport Corporation, Kovai

Division, Ooty Zone, Kothagiri Branch. In the accident that had occurred on 03.05.2016, the petitioner's Driving License was seized by the third respondent, who has handed over the same to the second respondent, who in turn handed over to the first respondent for cancellation of the Driving License because of loss of life. According to the petitioner, the criminal case filed as against him is still pending and it has not reached the finality.

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 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]], wherein this Court had an occasion to direct the respondent to return the Driving License to the petitioner.

5.Mr.J.Balagopal, learned Additional Government Pleader, fairly submitted that the relief sought for by the petitioner in the 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)]].

6.Having regard to the submissions made by the learned counsel on either side and following the judgment of this Court, this Court directs the first respondent to return the petitioner's original Driving License (DL. No.TN-43-19810001037) to the petitioner forthwith on production 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.

With this observation, the Writ Petition is disposed of. No costs.

rpa

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Regional Transport Officer
Dharapuram,
Tirupur District.

2.The Motor Vehicle Inspector
Dharapuram, Tirupur District.

3.The Inspector of Police
Kundadam Police Station
Kundadam, Tirupur District.

+ 1 cc to Mr.A.Ganesan, Advocate SR 46752

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