

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26582 of 2016

T.Ramesh

... Petitioner

Vs

1.State rep. by

The Inspector of Police,
Kanjikoil Police Station,
Erode District.

2.The Licensing Authority-cum-
Regional Transport Officer,
Perundurai,
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent herein to return the original driving license TN36Z20030000255 to the petitioner forthwith.

For Petitioner : Mr.S.Parathasarathy

For Respondents : Mr.R.Lakshmi Narayanan
Addl. 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 Tamilnadu Government Transport Corporation, Sathyamangalam and in the accident that had occurred on 02.06.2016, a person, who was traveling in the motor cycle, died. Subsequently, the first respondent police had registered a case under Sections 279 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."

5.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).

6.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.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssd

To

1.The Inspector of Police,
Kanjikoil Police Station,
Erode District.

2.The Licensing Authority-cum-
Regional Transport Officer,
Perundurai,
Erode District.

+1 cc to Mr.S.Parathasarathy Advocate sr.43390

+1 cc to Government Pleader sr.43291

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