

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.08.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.26729 of 2016

G.Ravi

...Petitioner

Vs.

1. The Commissioner,
(Licensing Authority)
Transport Department,
Ezhilagam, Chepauk,
Chennai.
 2. The Regional Transport Authority,
Tambaram, Chennai.
 3. The Inspector of Police,
Chrompet Traffic Investigation,
Tambaram, Chennai - 46.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to consider the the petitioner's representation, dated 02.06.2016, and consequently, to direct the respondents to release the original driving licence to the petitioner.

For Petitioner : Mr.N.Subramani

For Respondents : Mr.A.Zakir Hussain
Government Advocate

O R D E R

The prayer sought for in the Writ Petition, is for issuance of a writ of mandamus, to direct the respondents to release petitioner's original driving licence.

2. At the outset, Mr.N.Subramani, the learned counsel for the petitioner would submit that the issue involved in this Writ Petition is covered by a decision of this Court, in W.P.No.19438 of 2016, dated 09.06.2016, which was rendered, following the decision reported in (2015) 2 C.T.C. 626 in the case of (R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai). For reference, the operative portion of the order passed thereunder is quoted hereinbelow:-

" Following the ratio laid down by the Hon'ble Division of this Court, in the case of (P.Sethuram Vs. The Licensing Authority, the Regional Transport Officer, the Regional Transport Officer, Dindigul), reported in 2009 (2) TN MAC 252 (DB) : (2010) Writ Law Reporter Page 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 license to 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 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."

The learned counsel, therefore, prays, the similar direction may be issued in the present case as well.

3. Mr.A.Zakir Hussain, the learned Government Advocate for the respondent agrees that the relief sought for in the writ petition, is covered by the decision of this Court reported in (2015) 2 C.T.C. 626 (supra).

4. In the light of the decision rendered in the above referred case, following which, number of Writ Petitions were disposed of by this Court, one such Writ Petition, being W.P.No.19438 of 2016, the present Writ Petition can also be disposed of on the same lines. Accordingly, the Writ Petition is disposed of, directing the respondents to return the petitioner's original driving license to him within a week from the date of receipt of a copy of this order . However, this

order will not preclude the respondents from initiating any action against the petitioner, if any of 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. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
(Licensing Authority)
Transport Department,
Ezhilagam, Chepauk,
Chennai.
2. The Regional Transport Authority,
Tambaram, Chennai.
3. The Inspector of Police,
Chrompet Traffic Investigation,
Tambaram, Chennai - 46.

+1cc to the Government Pleader Sr.46255

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srg 16/08/2016

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