

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2016

Coram

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

Writ Petition No.28352 of 2016

Sri Iyyappan

...Petitioner

Vs.

1. The Regional Transport Officer,
Dharapuram.
2. The Motor Vehicle Inspector,
Dharapuram.
3. The Inspector of Police,
Kundadam Police Station,
Kundadam, Tirupur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the impugned order of the first respondent, made in Che.Mu.Aa.No.16260/A4/2016, dated 11.08.2016, for suspending the petitioner's driving licence - DL No.TN4119900002162 (which is valid upto 18.08.2018) for the period of four months from 13.7.2016 to 12.11.2016, and to quash the same and consequently, to direct the first respondent to return the driving licence to the petitioner after removing the endorsement suspended forthwith.

(Prayer amended as per order passed by this Court in W.M.P.No.26889 of 2016 of this W.P., dated 09.09.2016

For Petitioner : Mr.A.Ganesh
For Respondents : Mr.K.J.Sivakumar
Government Advocate

O R D E R

With consent on either side, the Writ Petition itself is taken up for final disposal.

2. The petitioner has come up with the present Writ Petition, praying for issuance of a writ of certiorarified mandamus to quash the order passed by the first respondent, whereby, the petitioner's driving licence has been suspended temporarily, and consequently, to direct the first respondent to return the petitioner's original driving license immediately.

3. At the outset, Mr.A.Ganesan, the learned counsel appearing 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.23758 of 2016, dated 29.07.2016, which was disposed of, following the decision reported in (2015) 2 C.T.C. 625 in the case of (R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai), wherein, direction was issued to the respondent/Regional Transport Officer to return the Driving Licence to the petitioner. The learned counsel also produced a photocopy of the order, dated 29.07.2016 for reference, and prayed that similar direction may be issued in the present case as well.

4. Mr.K.J.Sivakumar, learned Government Advocate, accepting notice on behalf of respondents 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. 625 (supra).

5. 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.23758 of 2016, the present Writ Petition can also be disposed of, on the same lines.

6. Accordingly, the Writ Petition is disposed of, by directing the first respondent to return the petitioner's original driving license to him forthwith, on production 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.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1. The Regional Transport Officer,
Dharapuram.
2. The Motor Vehicle Inspector,
Dharapuram.
3. The Inspector of Police,
Kundadam Police Station,
Kundadam, Tirupur District.

+1 CC to Mr. A. Ganesan, Advocate Sr.No. 52751

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PUR (CO)
MD : 14/10/2016



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