

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2016

Coram

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

Writ Petition No.28771 of 2016

R.Saravanan

...Petitioner

Vs.

1. The Transport Commissioner,
Chepauk, Chennai- 600 005.
2. The Assistant License Issuing Authority,
Theni Regional Transport Office,
Theni.
3. The Regional Transport Officer,
Regional Transport Office,
Puliyanthope, Chennai.
4. The Inspector of Police,
C2, Traffic Investigation Wing,
Elephant Gate, Chennai - 600 079.
5. The Branch Manager,
Metropolitan Transport Corporation,
Thondiarpet Depot - I,
Chennai - 600 081.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 58 19970003379, to enable him to join and continue his service in the fifth respondent/Transport Corporation.

For Petitioner	:	Mr.A.Rajesh Kanna
For Respondents 1 to 4	:	Mr.K.J.Sivakumar, Government Advocate
For Respondent-5	:	Mr.P.Kannan Kumar Standing Counsel

ORDER

With consent on either side, the Writ Petition itself is taken up for disposal at the stage of admission.

2. The petitioner has filed this Writ Petition, praying for issuance of a writ of mandamus to direct respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 58 19970003379, to enable him to join and continue his service in the fifth respondent/Transport Corporation.

3. At the very outset, Mr.A.Rajesh Kanna, the learned counsel for the petitioner would submit that the issue involved in this Writ Petition is

covered by the decision of of the Hon'ble Division Bench of this Court, in the case of (*P.Sethuram Vs. The Licensing Authority, the Regional Transport Officer, the Regional Transport Officer, Dindigul*), reported in (2010) Writ Law Reporter Page 100, wherein, the Division Bench held that respondents cannot seize the Driving Licence even before the completion of the criminal case. The learned counsel further submit that, following the said decision, this Court has disposed of Writ Petition No.22960 of 2016, a copy of which, has been annexed at page No.13 of the typed-set of papers, filed in support of this Writ Petition, and prays that similar direction may be issued in the present Writ Petition as well.

4. Though counter affidavit has been filed by respondents 1 and 3, Mr.K.J.Sivakumar, learned Government Advocate, accepting notice for respondents 1 to 4 and Mr.P.Kannan Kumar, learned Standing Counsel, accepting notice for fifth respondent do not dispute the position and agrees that the issue involved in this Writ Petition is covered by the decision rendered in the above referred case.

5. Thus, in the light of the decision of of the Hon'ble Division Bench of this Court in *P.Sethuram's case*, (referred supra) following which, many Writ Petitions were disposed of by this Court, one such Writ Petition being

W.P.No.22960 of 2016, this Court is inclined to dispose of the present Writ Petition on the same lines.

6. Accordingly, this Writ Petition is disposed of by directing the respondents 1 to 4 to return the driving licence to the petitioner forthwith on production of a copy of this order. However, it is open to the respondents 1 to 4 to proceed in accordance with law after issuing notice. No costs.

09.09.2016

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To

1. The Transport Commissioner,
Chepauk, Chennai- 600 005.
2. The Assistant License Issuing Authority,
Theni Regional Transport Office, Theni.
3. The Regional Transport Officer,
Regional Transport Office,
Puliyanthope, Chennai.
4. The Inspector of Police,
C2, Traffic Investigation Wing,
Elephant Gate, Chennai - 600 079.
5. The Branch Manager,
Metropolitan Transport Corporation,
Thondiarpet Depot - I, Chennai - 600 081.

T.S.Sivagnanam, J.

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