

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

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THE HON'BLE **MR.JUSTICE T.S.SIVAGNANAM**

Writ Petition No.29232 of 2016

R.Christoper John

.. Petitioner

Vs.

1. The Transport Commissioner,
Chepauk, Chennai – 600 005
2. The Assistant License Issuing Authority,
Tambaram Regional Transport Office,
Tambaram, Kanchipuram District
3. The Regional Transport Officer,
Meenambakkam Regional Transport Office,
1st Floor, Municipal Commercial Building Complex,
Alandur, Chennai – 600 016
4. The Inspector of Police,
Mount Traffic Investigation Wing,
St. Thomas Mount, Chennai – 600 016
5. The Branch Manager,
Metropolitan Transport Corporation,
Vadapalani Depot, Chennai – 600 026

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing respondents 1 to 4 to return the petitioner's driving licence in D.L.No.TN0719840001329 to enable him to join and continue his service in the fifth respondent Transport Corporation.

For Petitioner : Mr. A.Rajesh Kanna
For Respondents : Mr. K.J.Sivakumar,
Govt. Advocate., for R-1 to R-4
Mr. P.Kannan Kumar, for R-5

ORDER

Heard Mr.A.Rajesh Kanna, learned counsel for the petitioner, Mr.K.J.Sivakumar, learned Government Advocate appearing for respondents 1 to 4 and Mr. P.Kannan Kumar, learned Standing Counsel, for the fifth respondent. By consent of the learned counsel for both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this writ petition to issue a writ of mandamus directing respondents 1 to 4 to return the petitioner's driving licence in D.L.No.TN0719840001329 to enable him to join and continue his service in the fifth respondent / Transport Corporation.

3. The case of the petitioner is that he is working as a Driver, in the Metropolitan Transport Corporation, and on 08.08.2016, while he was working in T.Nagar, Chennai, an accident had occurred and a person, who attempted to catch the running bus, fell down, sustained fatal injury and died. The police registered a case in Crime No.375 of 2016, dated 08.08.2016 against the petitioner, for the offence punishable under Sections 279 and 304(A) IPC. The fourth respondent / Police seized the original licence of the petitioner and handed over the same to the first

respondent.

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 625 - (R.Ravi vs, The Regional Transport Officer, Transport Department, Chennai-600 078 (Chennai (West))**, wherein direction was issued to the respondent therein, to return the Driving License to the petitioner therein.

5. Mr.K.J.Sivakumar, learned Government Advocate, appearing for respondents 1 to 4 and Mr. P.Kannan Kumar, learned Standing Counsel, appearing for the fifth respondent, submitted that the relief sought for in the writ petition is covered by the decision of this Court reported in **2015 (2) CTC 626** (cited supra).

6. Having regard to the submissions made by the learned counsel for both sides and in the light of the above decision, the respondents 1 and 3 is directed to return the petitioner's original Driving License 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.

7. The writ petition is disposed of accordingly. No costs.

23.09.2016

srk

Note: Issue order copy on or before 26.09.2016

To

1. The Transport Commissioner,
Chepauk, Chennai – 600 005
2. The Assistant License Issuing Authority,
Tambaram Regional Transport Office,
Tambaram, Kanchipuram District
3. The Regional Transport Officer,
Meenambakkam Regional Transport Office,
1st Floor, Municipal Commercial Building Complex,
Alandur, Chennai – 600 016
4. The Inspector of Police,
Mount Traffic Investigation Wing,
St. Thomas Mount, Chennai – 600 016
5. The Branch Manager,
Metropolitan Transport Corporation,
Vadapalani Depot, Chennai – 600 026

T.S.SIVAGNANAM, J.,

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