

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30586 of 2016

K.Muthusamy .. Petitioner
Versus

- 1.The Licensing Authority-cum-Regional Transport Officer,
Kovaiputhur, South region,
Coimbatore District.
- 2.The Inspector of Police,
Traffic Investigation Wing,
Madhukarai Police Station,
Coimbatore District.
- 3.The General Manager,
TamilNadu State Transport Corpn., Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 600 002. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents 1 and 2 to return the Driving license of the petitioner forthwith to the petitioner as enable to join the duty before the third respondent.

For Petitioner : Mr.R.Y.George Williams

For Respondents : Mr.K.J.Sivakumar, G.A., for RR1&2
Mr.P.Kannan Kumar for R3

ORDER

Mr.K.J.Sivakumar, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.P.Kannan Kumar, learned Standing counsel for the Corporation takes notice of the third respondent. 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 respondents to return his driving licence.

3. It is the case of the petitioner that he is a driver in Bus No TN-38-N-3065 and in the accident that occurred on

24.08.2016, a person, who had consumed alcohol, got injured, while he was crossing the road in reckless manner. Subsequently, the second respondent police had registered a case under Sections 279 and 304-A of the Indian Penal Code. The second respondent handed over the driving licence of the petitioner to the first respondent. Hence the above writ petition.

4. The learned counsel appearing for the petitioner submitted that the issue involved in this writ petition is covered by a decision of this Court in the case of R.Ravi vs. Regional Transport Officer, Transport Department, Chennai - 78. reported in 2015 (2) CTC 626 wherein it has been held as follows:

"Following the ratio laid down by the Division Bench of this Court reported in P.Sethuram vs. 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.K.J.Sivakumar, learned Government Advocate appearing for the respondent also submitted that the issue is covered by the judgement of this Court in the case of R.Ravi vs. Regional Transport Officer, Transport Department (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 first 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 under 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 said Act, are violated.

With this observation, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pbn

To

1.The Licensing Authority-cum-
Regional Transport Officer,
Kovaiputhur, South region,
Coimbatore District.

2.The Inspector of Police,
Traffic Investigation Wing,
Madhukarai Police Station,
Coimbatore District.

3.The General Manager,
TamilNadu State Transport Corpn., Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 600 002.

1 cc to Mr.R.Y.George Williams, Advocate, sr.53712
1 cc to Mr.P.Kannan Kumar, Advocate, sr.53621

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