

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33762 of 2016

A.Kathirvel

.. Petitioner

Versus

- 1.The Regional Transport Officer,
Erode (East), Erode,
- 2.The Motor Vehicle Inspector,
Erode.
- 3.The Inspector of Police,
Modakurichi Police Station,
Modakurichi, Erode District. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the first respondent to return the petitioner's DL.No.TN3319970002035, which is valid upto 16.06.2018, forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.K.J.Sivakumar, G.A., for RR1to3

O R D E R

Mr.K.J.Sivakumar, learned Government Advocate takes notice for the respondents 1 to 3. 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 1 to 3 to return his driving licence.

3. It is the case of the petitioner that he is a driver in the Tamil Nadu State Transport Erode Division, Erode Branch and in the accident that occurred on 21.07.2016, a pedestrian, who was crossed the road near Thachangadu, Chinniyampalayam, injured. Subsequently, the Inspector of Police, third respondent had registered a case under Sections 279 and 304-A of the Indian Penal Code. The Inspector of Police, third 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 respondents also submitted that the issue is covered by the judgement of this Court reported in 2015 (2) CTC 626 (cited 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 VII)

//True Copy//

Sub Assistant Registrar

To

1.The Regional Transport Officer,
Erode (East), Erode,

2.The Motor Vehicle Inspector,
Erode.

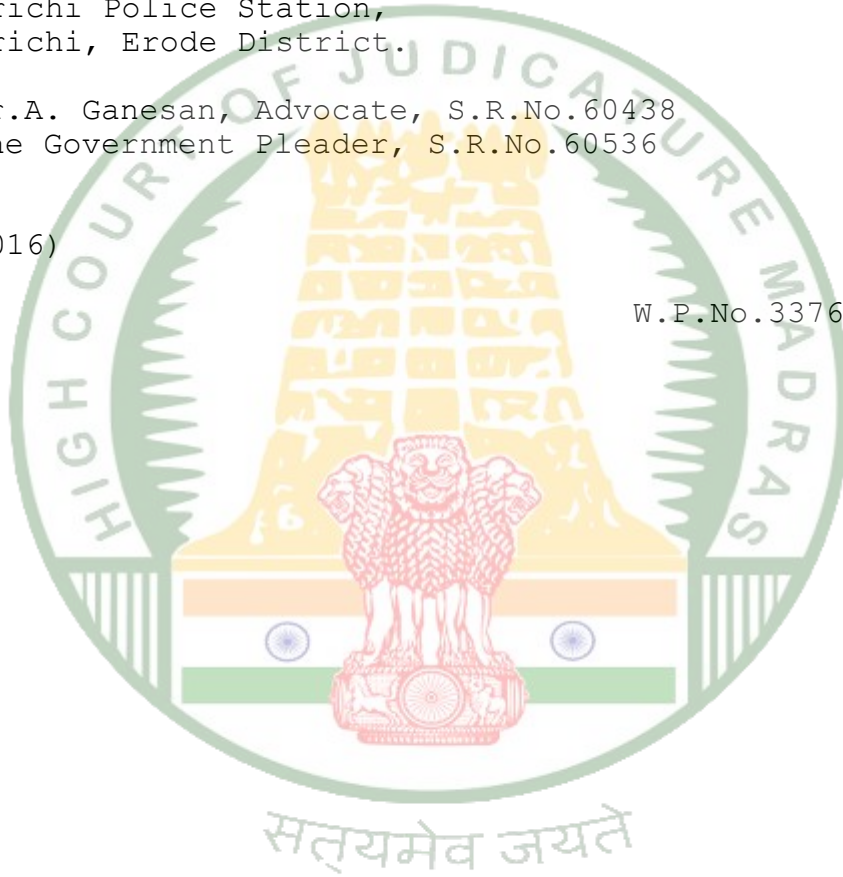
3.The Inspector of Police,
Modakurichi Police Station,
Modakurichi, Erode District.

+1cc to Mr.A. Ganesan, Advocate, S.R.No.60438

+1cc to the Government Pleader, S.R.No.60536

NMI (CO)
EU(4/11/2016)

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