

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.3433 of 2016

T.Rajeesh

.. Petitioner

v.

- 1 The Transport Commissioner
Chepauk, Chennai-600 005.
 - 2 The Regional Transport Officer
Regional Transport Office
Ayanavaram, Chennai-600 023.
 - 3 The Inspector of Police
Traffic Investigation Wing
R4 Pondy Bazaar Police Station
T.Nagar Chennai-600 017.
 - 4 The General Manager
Metropolitan Transport Corporation
Pallavan House, Chennai-600 002.
 - 5 The Regional Transport Officer
Regional Transport Office
Marthandam, Kanyakumari District.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to return the petitioner's driving license in D.L. No. TN Z 20070005789 and enable him to join duty before the 4th respondent.

For Petitioner : Mr.M.V.Muralidaran

For Respondent : Mr.M.S.Ramesh,
Addl. Govt. Pleader - for R2 & R5

Mr.P.Kanna Kumar - for R4

ORDER

to issue a writ of Mandamus to direct the respondents 1 to 3 to return the petitioner's driving licence in D.L. No. TN Z 20070005789 to enable him to join duty before the 4th respondent.

2. It is the case of the petitioner that the driving licence of the petitioner was impounded by the respondents 1 to 3 even without any notice based on the First Information Report registered by the third respondent-Inspector of Police, dated 11.01.2016.

3. The relief sought for in the writ petition is squarely covered by the decision of the Division Bench of this Court reported in 2010 Writ L.R. 100 [P.Sethuram v. The Licensing Authority, The Regional Transport Office, the Regional Transport Office, Dindigul] wherein the Division Bench of this court held that the Authority has, in the impugned order, pre-concluded the issue that the appellant is guilty of rash and negligent driving, even before the criminal court or the Motor Accident Claims Tribunal went into the issue. Therefore, the Division Bench held that the order suspending the driving licence cannot be taken to be passed after due application of mind.

4. Mr.M.S.Ramesh, learned Additional Government Pleader also submitted that the issue involved in the present writ petition is covered by the judgment of the Division Bench of this court reported in 2010 Writ L.R. 100 cited supra].

5. In view of the same, the present Writ Petition is disposed of with a direction to the respondents 1 to 3 to return the driving licence of the petitioner forthwith. However, it is open to the respondents 1 to 3 to proceed in accordance with law after issuing notice. No costs.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS V)

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Sub Assistant Registrar

Rj

To

1 The Transport Commissioner
Chepauk, Chennai-600 005.

2 The Regional Transport Officer
Regional Transport Office

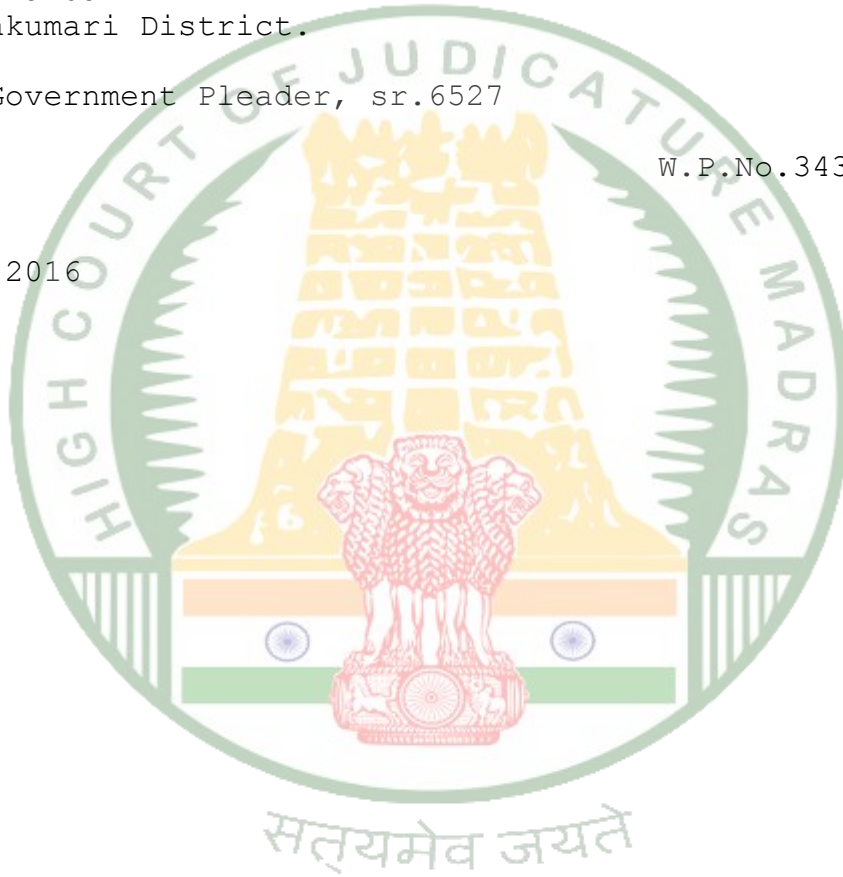
Avanavaram
Chennai-600 023.

- 3 The Inspector of Police
Traffic Investigation Wing
R4 Pondy Bazaar Police Station
T.Nagar Chennai-600 017.
- 4 The General Manager
Metropolitan Transport Corporation
Pallavan House, Chennai-600 002.
- 5 The Regional Transport Officer
Regional Transport Office
Marthandam
Kanyakumari District.

+1 cc to Government Pleader, sr.6527

W.P.No.3433 of 2016

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