

In the High Court of Judicature at Madras

Dated : 07.10.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.35772 of 2016

P.Duraisami

...Petitioner

Vs

1.The Regional Transport Officer,
Tirupur (South), Tirupur.

2.The Inspector of Police, Tirupur
Rural Police Station, Nallur,
Tirupur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent herein to return the petitioner's D.L.No.TN3919830000649, which is valid upto 3.5.2019 forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.K.J.Sivakumar, GA

ORDER

Mr.K.J.Sivakumar, learned Government Advocate takes notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. In this writ petition, the petitioner seeks a direction to the first respondent to return his driving licence.

3. It is the case of the petitioner that he is working as a driver in the Tamil Nadu State Transport Corporation, Kovai Division, Kangeyam Branch, Tirupur. While he was on duty, in the accident that had occurred on 29.7.2016, a pedestrian died. Subsequently, the concerned police officials had registered a case in Crime No.578 of 2016 under Sections 279 and 304-A of the Indian Penal Code. The concerned Inspector of Police also handed over the driving licence of the petitioner to the first respondent. On receipt of the driving licence, the first respondent issued a show cause notice to the petitioner dated

22.8.2016, to which, the petitioner sent his explanation. However, the driving licence is still with 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 judgment 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 first respondent 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.

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

RS

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Regional Transport Officer,
Tirupur (South), Tirupur.

2.The Inspector of Police,
Tirupur Rural Police Station,
Nallur, Tirupur District.

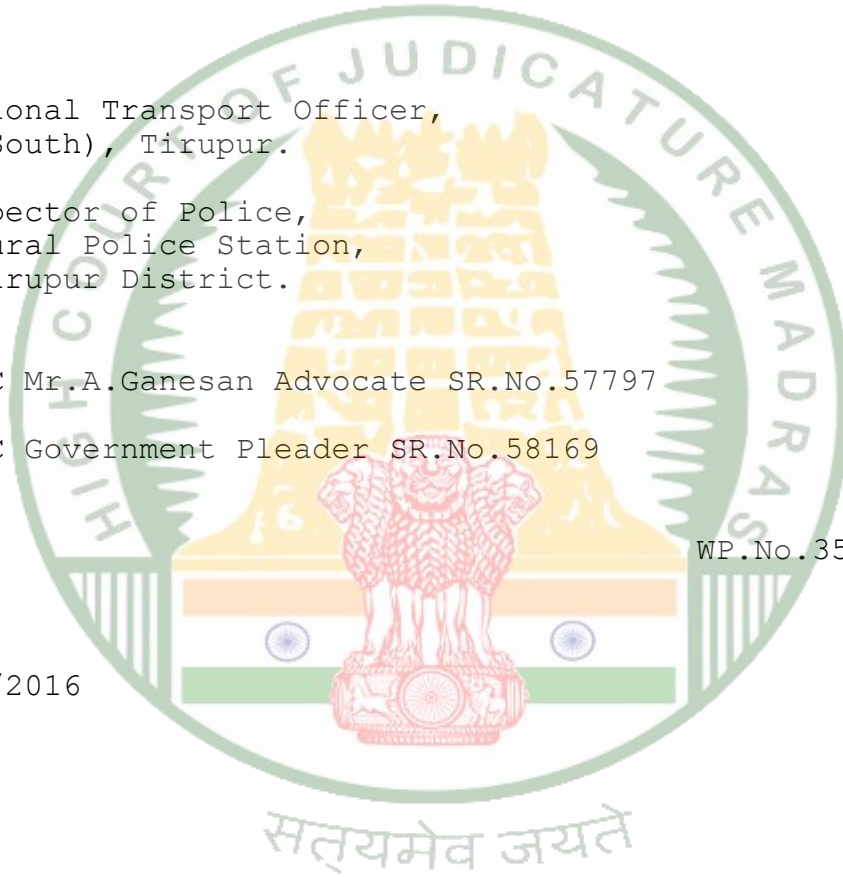
+1 CC Mr.A.Ganesan Advocate SR.No.57797

+1 CC Government Pleader SR.No.58169

WP.No.35772 of 2016

GJII

MSI 12/11/2016



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