

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.36041 of 2016

K.Rajasekaran

.. Petitioner

vs.

1.The Regional Transport Officer,
Dharmapuri,
Dharmapuri District.

2.The Inspector of Police,
Samalpatti Police Station,
Samalpatti, Krishnagiri District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to return the petitioner's driving licence bearing DL.No.TN31Z19910000081 which is valid upto 27.07.2017 forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.S.Diwakar,
Special Government Pleader

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the first respondent to return the petitioner's driving licence bearing DL.No.TN31Z19910000081 which is valid upto 27.07.2017 forthwith.

2. The petitioner was working as a Driver in the Tamil Nadu State Transport Pennagaram Branch-I, Salem Division and while he was driving the vehicle bearing Reg.No.TN-29-N-2325 from Okenakkal to Pondicherry on 17.08.2016, the said vehicle met with an accident at about 5.30 p.m and a case in Crime No.208/2016 was registered under Sections 279 and 304(A) IPC dated 17.08.2016 by Samalpatti Police Station, Krishnagiri District and the petitioner was arrested by the police and on the same day, he was released on bail. The said vehicle was

seized by the police on the same day and later on, the vehicle was produced before the first respondent for inspection and the case was pending on the file of the Judicial Magistrate Court, Uthangarai. The petitioner would further state that the respondent has also seized his driving licence bearing DL.No.TN31Z19910000081 which is valid upto 27.07.2017. The petitioner has sent a representation to the first respondent dated 01.09.2016 seeking return of his driving licence and since no response was forthcoming from the first respondent, came forward with this writ petition.

3. 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 626 [R.Ravi v. The Regional Transport Officer, Transport Department, Chennai-600 078] wherein this Court had an occasion to direct the respondent to return the Driving Licence to the petitioner.

4. Having regard to the submissions made by the learned counsel appearing for the petitioner, following the earlier judgment of this Court, this Court directs the first respondent to return the petitioner's original Driving Licence bearing DL.No.TN31Z19910000081 which is valid upto 27.07.2017, 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.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-

सत्यमेव जयते
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

jvm

To

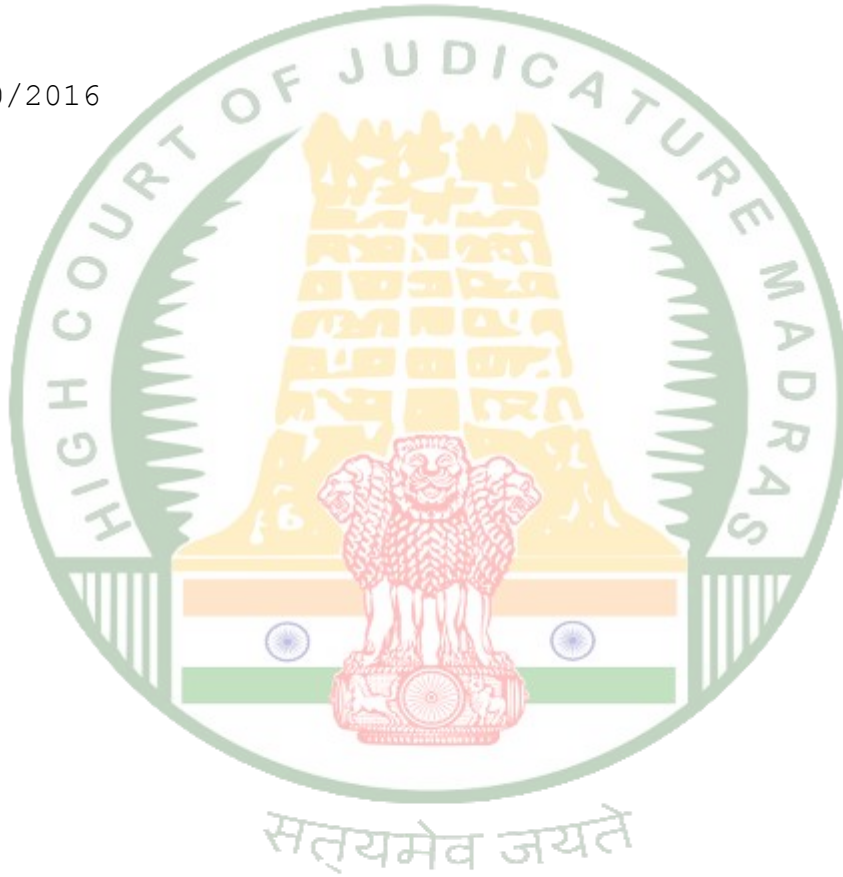
1.The Regional Transport Officer,
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2.The Inspector of Police,
Samalpatti Police Station,
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+1 CC to Mr. A. Ganesan, Advocate Sr.No.58338
+1 CC to Government Pleader, Sr.No.58938

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KS (CO)
MD : 20/10/2016



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