

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.3826 of 2016

P.Venkatachalam

.. Petitioner

v.

1 The Assistant Director
Tamil Nadu State Transport Corporation
Erode

2 The Assistant License Issuing Authority
Regional Transport Office
Erode

3 The Branch Manager
Tamil Nadu State Transport Corporation
Gobichettipalayam Branch
Erode

4 The Inspector of Police
North Circle, Erode

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to return back the petitioner's original driving licence bearing D.L.No. TN36 20130003501.

For Petitioner : Mr.K.Mukund Rao

For Respondent : Mr.A.Rajaperumal
Govt. Advocate

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the respondents to return back his original driving licence bearing D.L.No. TN36 20130003501.

2. It is the case of the petitioner that he is working as a driver under the respondents 1 to 3 and that while he was driving the bus, an accident had occurred and that the fourth respondent had seized the driving licence of the petitioner. Further, the petitioner has stated that in spite of the repeated letters sent to the respondents to return the driving licence, the respondents 2 to 4 refused to return the driving licence.

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.A.Rajaperumal, learned Government Advocate 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 2 to 4 to return the driving licence of the petitioner, within a period of four weeks from the date of receipt of a copy of this order and it is open to the respondents to proceed against the petitioner with regard to the accident that had happened on 2.12.2015 in accordance with law. No costs.

Rj

s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1 The Assistant Director
Tamil Nadu State Transport Corporation
Erode

2 The Assistant License Issuing Authority
Regional Transport Office
Erode

3 The Branch Manager
Tamil Nadu State Transport Corporation
Gobichettypalayam Branch
Erode

4 The Inspector of Police
North Circle, Erode

+ 1 cc to Mr.K.MUkund Rao, Advocate SR 6652

+ 1 cc to Govt.Pleader SR 6917

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