

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.38387 of 2016

E.Justine

.. Petitioner

vs.

The Road Transport Officer (RTO),
Chennai (South-West),
Virugambakkam,
Chennai-600 092.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondent herein to return the petitioner's original driving license bearing No.TN-7419940003679.

For Petitioner : Mr.K.Newlin Frederick

For Respondents : Mr.S.Diwakar
Special Government Pleader

ORDER

Heard Mr.K.Newlin Frederick, learned counsel appearing for the petitioner and Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents.

2.The petitioner has come forward with this Writ Petition for issuance of a writ of Mandamus, to direct the respondent herein to return the petitioner's Driving Licence bearing No.TN-7419940003679.

3. It is the case of the petitioner that he is a Driver working under the Metropolitan Transport Corporation, Chennai. In the accident that had occurred on 02.08.2016, the petitioner's Driving License was seized by the Traffic Investigation Wing, who in turn handed over the same to the respondent for cancellation of the Driving License because of loss of life. According to the petitioner, the criminal case filed as against him is still pending and it has not reached the finality.

4.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 Vs. The Regional**

Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]], wherein this Court had an occasion to direct the respondent to return the Driving License to the petitioner.

5. Mr.S.Diwakar, learned Special Government Pleader, fairly submitted that the relief sought for by the petitioner in the Writ Petition is covered by the decision of this Court reported in **2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]]**.

6.Having regard to the submissions made by the learned counsel on either side and following the judgment of this Court, this Court directs the respondent to return the petitioner's original Driving License (DL.No.TN-7419940003679) to the petitioner forthwith on production 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.

With this observation, the Writ Petition is disposed of. No costs.

r n s

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

The Road Transport Officer (RTO),
Chennai (South-West),
Virugambakkam,
Chennai-600 092.

+2 CC Mr.K.Newlin Frederick Advocate SR.No.69424

+1 CC Government Pleader SR.No.70081

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VSN [CO]

MSI 29/12/2016