

In the High Court of Judicature at Madras

Dated : 22.11.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.40078 of 2016 & WMP.Nos.34120 & 34121 of 2016

M.Yuvanes Kumar

...Petitioner

Vs

The Regional Transport Authority/
Licensing Authority,
Office of the Regional Transport Authority
Mettupalayam.

....Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus after calling for the records pertaining to the order dated 27.10.2016 passed by the respondent in Che. Mu.Order No.39857/A3/2016, quash the same and consequently direct the respondent to return forthwith the petitioner's original licence bearing No.TN 36 Z 20000000070 without any endorsement.

For Petitioner : Mr.V.Ajoy Khose
For Respondent : Mr.K.J.Shivakumar, GA

ORDER

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

2. In this writ petition, the petitioner seeks to quash the proceedings of the respondent suspending the driving licence of the petitioner for a period of six months and to direct the respondent to return his driving licence.

3. It is the case of the petitioner that he is working as a driver in Annur Depot and while he was on duty, in the accident that had occurred on 22.10.2016, a motor cyclist died. Subsequently, the concerned police officials had registered a case under Sections 279, 337 and 304-A of the Indian Penal Code. The concerned Inspector of Police also handed over the driving licence of the petitioner to the respondent. On receipt of the driving licence, the respondent issued a show cause notice to

the petitioner dated 24.10.2016, to which, the petitioner sent his explanation. However, by the impugned order, the respondent suspended the driving the licence of the petitioner for a period of six months from 22.10.2016 to 21.4.2017. Hence the above writ petition.

4. The learned counsel appearing for the petitioner has 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. The learned Government Advocate appearing for the respondent 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 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 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. Consequently, the above WMPs are closed.

-s/d-
Assistant Registrar

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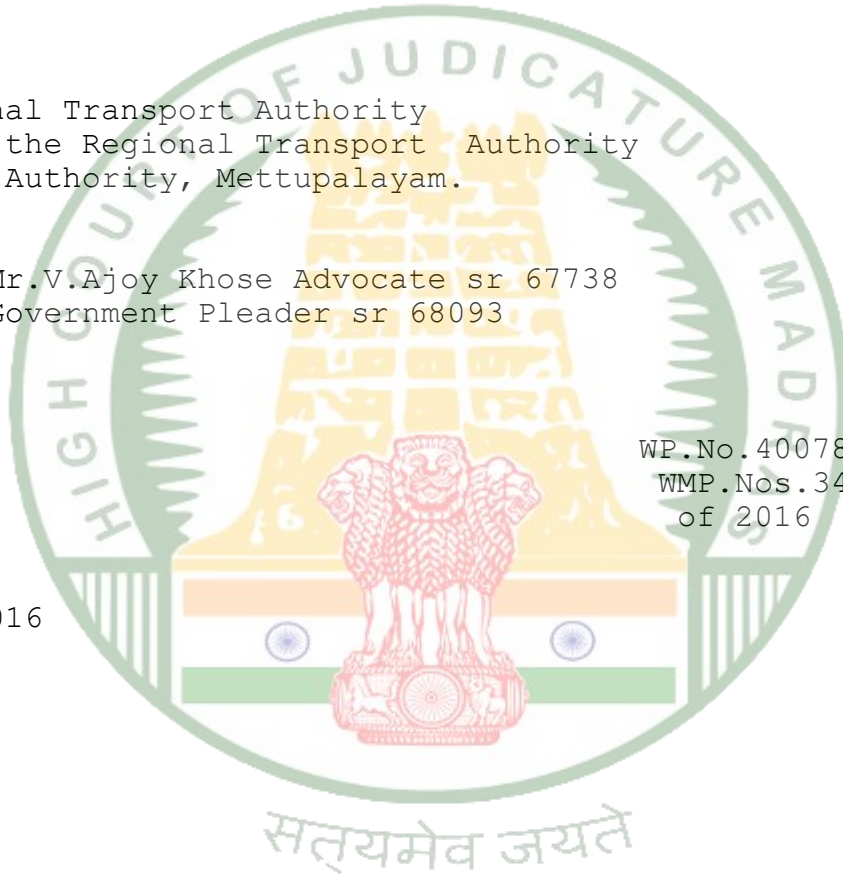
Sub-Assistant Registrar

To
The Regional Transport Authority
office of the Regional Transport Authority
Licensing Authority, Mettupalayam.

+1 cc to Mr.V.Ajoy Khose Advocate sr 67738
+1 cc to Government Pleader sr 68093

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