

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2016

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.No.40973 of 2016

N.Hari ... Petitioner

Vs.

- 1 The Transport Commissioner
Chepauk,
Chennai - 600 005.
 - 2 The Assistant License Issuing Authority,
Thiruvallur Regional Transport Office,
Thiruvallur District.
 - 3 The Regional Transport Officer,
Alandur Regional Transport Office,
Alandur, Chennai.
 - 4 The Inspector of Police
Traffic Investigation Wing,
St. Thomas Mount,
Chennai.
 - 5 The Branch Manager
Metropolitan Transport Corporation,
Poonamallee Depot,
Chennai.
- ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN23Z 20080003404 enable him to join and continue his service in the 5th respondent transport corporation.

For Petitioner : Mr.B.Sundara Pandiyan
For Respondents : Mr.Akhil Akbar Ali for R1 to R4
Government Advocate
Mr.P.Kannan Kumar for R5

O R D E R

1.This is a writ petition whereby, the petitioner seeks in effect a direction against the respondents for release of his driving licence which was seized on 01.11.2016, by the police authorities, upon his alleged involvement in an accident.

2.The record shows that an FIR against the petitioner has been registered by the concerned police authorities, on 01.11.2016. It appears that during the course of investigation, the petitioner's driving licence was seized.

3.It is the common case of counsel for parties before me that the driving licence is, as of today, in the custody of respondent no.3, i.e., The Regional Transport Officer, Alandur, Chennai.

4.The petitioner says that he has made a representation dated 03.11.2016 to respondent no.3 for release of his driving licence. It is the petitioner's case that the driving licence is required to be handed over to him as it can only be revoked after following the procedure contemplated in Section 19 of the Motor Vehicles Act, 1988.

5.The petitioner says that no show cause notice has been issued to him, and therefore, the continued retention of the driving licence is illegal. In support of this submission, the counsel for petitioner relies upon an order passed by a Single Judge of this Court dated 21.10.2016 in W.P.No.34405 of 2016. A perusal of the said order would show that it is based on another order of this Court, passed in R.Ravi Vs. Regional Transport Officer, Transport Department, Chennai (2015 (2) CTC 626).

6.In these circumstances, the writ petition is disposed of with a direction to the respondent no.3 to pass an appropriate order on the representation of the petitioner within a period of ten days of the receipt of a copy of the order. While passing the order, the respondent no.3 will bear in mind, the judgment of this Court dated 21.10.2016, passed in W.P.No.34405 of 2016. Needless to say, the respondent no.3 prior to passing any order on the representation of the petitioner will accord a personal hearing to the petitioner.

7. Accordingly, the writ petition is closed in terms of the aforesaid directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Transport Commissioner
Chepauk,
Chennai - 600 005.
- 2 The Assistant License Issuing Authority,
Thiruvallur Regional Transport Office,
Thiruvallur District.
- 3 The Regional Transport Officer,
Alandur Regional Transport Office,
Alandur, Chennai.
- 4 The Inspector of Police
Traffic Investigation Wing,
St. Thomas Mount,
Chennai.
- 5 The Branch Manager
Metropolitan Transport Corporation,
Poonamallee Depot, सत्यमेव जयते
Chennai.

+1cc to Mr.A. Rajesh Kanna, Advocate, S.R.No.71977

+1cc to the Government Pleader, S.R.No.72237

vd(CO)
CA(/10/2016)

W.P.No.40973 of 2016