

In the High Court of Judicature at Madras

Dated : 24.11.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.41303 of 2016

C.Arundhayanandan

...Petitioner

Vs

1.The Regional Transport Officer,
Balasundaram Road, Kovai
(Central), Coimbatore District.

2.The Inspector of Police,
Gandhipuram Police Station,
Gandhipuram Coimbatore District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent herein to return the driving licence bearing DL.No.TN33Y20070003224 to the petitioner forthwith.

For Petitioner : Mr.A.Ganesan

For Respondents : Mr.K.J.Shivakumar, GA

ORDER

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

2. In this writ petition, the petitioner seeks a direction to the first respondent to return his driving licence.

3. It is the case of the petitioner that he is working as a driver in Tamil Nadu State Transport Corporation, Kovai Division, Kovai Sungam II Branch and while he was on duty, in the accident that had occurred on 12.9.2016, a motor cyclist died. Subsequently, the concerned police officials had registered a case under Sections 279 and 304-A of the Indian Penal Code. The concerned Inspector of Police also handed over the driving licence of the petitioner to the first respondent. Thereafter, the petitioner sent a representation dated 2.11.2016 to the first respondent for return of the driving licence. However, nothing was forthcoming. 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 respondents 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 first 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 first 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.

T.S.SIVAGNANAM,J

RS

7. With this observation, the writ petition is allowed. No costs.

24.11.2016

Internet : Yes

To

- 1.The Regional Transport Officer, Balasundaram Road, Kovai (Central),
Coimbatore District.
- 2.The Inspector of Police, Gandhipuram Police Station, Gandhipuram
Coimbatore District.

WP.No.41303 of 2016

<http://www.judis.nic.in>