

In the High Court of Judicature at Madras

Dated : 29.11.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.41764 of 2016 & WMP.No.35754 of 2016

K.Ganesan

...Petitioner

Vs

The Regional Transport Authority/
Licensing Authority, Coimbatore
North, Coimbatore.

...Respondent

PETITION filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to return forthwith the petitioner's original driving licence without any endorsement and within a specified time as may be fixed by this Court, award costs.

For Petitioner : Mr.K.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 a direction to the 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, Head Office Depot and while he was on duty, in the accident that had occurred on 18.10.2016, a senior citizen died. Subsequently, the concerned police officials had registered a case under Sections 279 and 304-A of the Indian Penal Code. The petitioner was placed under suspension with effect from 18.10.2016. The concerned Inspector of Police also handed over the driving licence of the petitioner to the respondent. The petitioner sent a representation dated 20.10.2016 to the 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 respondent has 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 writ petition is allowed and 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. No costs. Consequently, the above WMP is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

RS

To

The Regional Transport Authority/Licensing Authority,
Coimbatore North, Coimbatore.

1 cc to Government Pleader, Sr. 70489

1 cc to Mr.V. Ajoy khose, Advocate, Sr. 70016

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