

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.41857 of 2016

G.Kumar

... Petitioner

vs.

- 1.The Transport Commissioner,
Chepauk, Chennai - 600 005.
- 2.The Assistant License Issuing Authority,
Regional Transport officer,
Chennai Central, Ayanavaram,
Chennai - 600 023.
- 3.The Regional Transport Officer,
Regional Transport Office,
Chennai West K.K.Nagar,
Chennai - 600 78.
- 4.The Inspector of Police,
Traffic Investigation Wing,
J3 Guindy Police Station,
Chennai - 600 032.
- 5.The General Manager,
Pallavan House,
Metropolitan Transport Corporation,
Chennai - 600 002.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents 1 to 3 to return the petitioner's driving license in DL.No.TN 1019950001628 so as to enable him to join duty before the 5th respondent.

For Petitioner : Mr.S.Ponjeganathan

For Respondents : Mr.S.Diwakar

Special Government Pleader (For R1 to R4)

Mr.P.Kannan Kumar (For R5)

O R D E R

Mr.S.Diwakar, learned Special Government Pleader takes notice for the respondents 1 to 4 and Mr.P.Kannan Kumar, learned counsel takes notice for the 5th respondent. Heard both. By consent, the writ petition itself is taken up for disposal.

2.In this writ petition, the petitioner seeks to direct the respondents 1 to 3 to return his driving licence.

3.It is the case of the petitioner that he is a Driver on daily wage basis in the Chennai Metropolitan Transport Corporation and in the accident that had occurred on 22.09.2016, a person, who was traveling in the motor cycle, died. Subsequently, the 4th respondent police had registered a case in Crime No.711 of 2016 under Sections 304(A) and 279 of the Indian Penal Code. The 4th respondent seized the driving licence of the petitioner and recommended the respondents 1 to 3 to cancel the driving licence of the petitioner. Hence the above writ petition.

4.The learned counsel appearing for the petitioner submitted that the issue involved in the present 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 it has been held as follows:

"Following the ratio laid down by the Division Bench of this Court reported in P.Sethuram V. 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."

4.Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents 1 to 4 also submitted that the issue is covered by the judgment of this Court reported in 2015 (2) CTC 626 (cited supra).

5.Having regard to the submissions made by the learned

counsel on either side, following the ratio laid down in the said judgment, the respondents 1 to 3 are 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 respondents 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.

6. With this observation, the Writ Petition is allowed. 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,
Regional Transport officer,
Chennai Central, Ayanavaram,
Chennai - 600 023.
3. The Regional Transport Officer,
Regional Transport Office,
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4. The Inspector of Police,
Traffic Investigation Wing,
J3 Guindy Police Station,
Chennai - 600 032.

5.The General Manager,
Pallavan House,
Metropolitan Transport Corporation,
Chennai - 600 002.

+1cc to Mr.A. Chandra Sekar, Advocate, S.R.No.69892
+1cc to the Government Pleader, S.R.No.70490

nrjk(CO)
md(22/12/2016)

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