

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.41877 of 2016

V.Sivakumar

... Petitioner

vs.

1.The Regional Transport Officer,
Tirupur (South),
Tirupur District.

2.The Inspector of Police,
Palladam Police Station,
Palladam,
Tirupur District.

Respondents

...

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the memo in No.E3/40927/2016 dated 31.10.2016 on the file of the 1st respondent, quash the same and direct the first respondent to return the driving license bearing No.TN4720000000151 to the petitioner.

For Petitioner : Mr.E.Duraivaiyapuri
for Mr.S.Doraisamy

For Respondents : Mr.S.Diwakar
Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records of the 1st respondent in connection with the impugned notice dated 31.10.2016 calling upon the petitioner to attend the enquiry and to quash the same and consequently direct the 1st respondent herein to return the driving license to the petitioner.

3.It is the case of the petitioner that he is a Driver in the Tamil Nadu State Transport Corporation Limited, Kumbakonam and in the accident that had occurred on 16.10.2016, a person, who was driving the two wheeler bearing registration No.TN 59 AF

9039 sustained fatal injury and immediately, he was taken to hospital but he died before the treatment. Subsequently, the second respondent police had registered a case under Sections 279 and 304(A) of the Indian Penal Code. The second respondent handed over the driving licence of the petitioner to the first respondent. 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 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 1st 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 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

cse

To

1.The Regional Transport Officer,
Tirupur (South),
Tirupur District.

2.The Inspector of Police,
Palladam Police Station,
Palladam,
Tirupur District.

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.70207
+1cc to the Government Pleader, S.R.No.70491

pvs (CO)
md(16/12/2016)

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