

In the High Court of Judicature at Madras

Dated : 30.11.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.41979 of 2016 & WMP.No.35927 of 2016

S.Parthasarathy

...Petitioner

Vs

The Regional Transport Authority/
Licensing Authority, Paranur,
Chengalpattu, Kancheepuram
District.

...Respondent

PETITION 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 bearing No.TN-21-19810000128 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 the Tamil Nadu State Transport Corporation Limited, Villupuram at Kalpakkam Depot and while he was on duty, in the accident that had occurred on 4.11.2016, the conductor of the same bus, which the petitioner was driving, 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 on 5.11.2016. The concerned Inspector of Police also handed over the driving licence of the petitioner to the respondent. The petitioner sent a

representation dated 8.11.2016 to the respondent for return of the driving licence. In turn, the respondent issued a notice to the petitioner dated 10.11.2016 to show cause as to why the driving licence held by the petitioner should not be disqualified. The petitioner also gave his reply dated 21.11.2016. 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/-
Assistant Registrar

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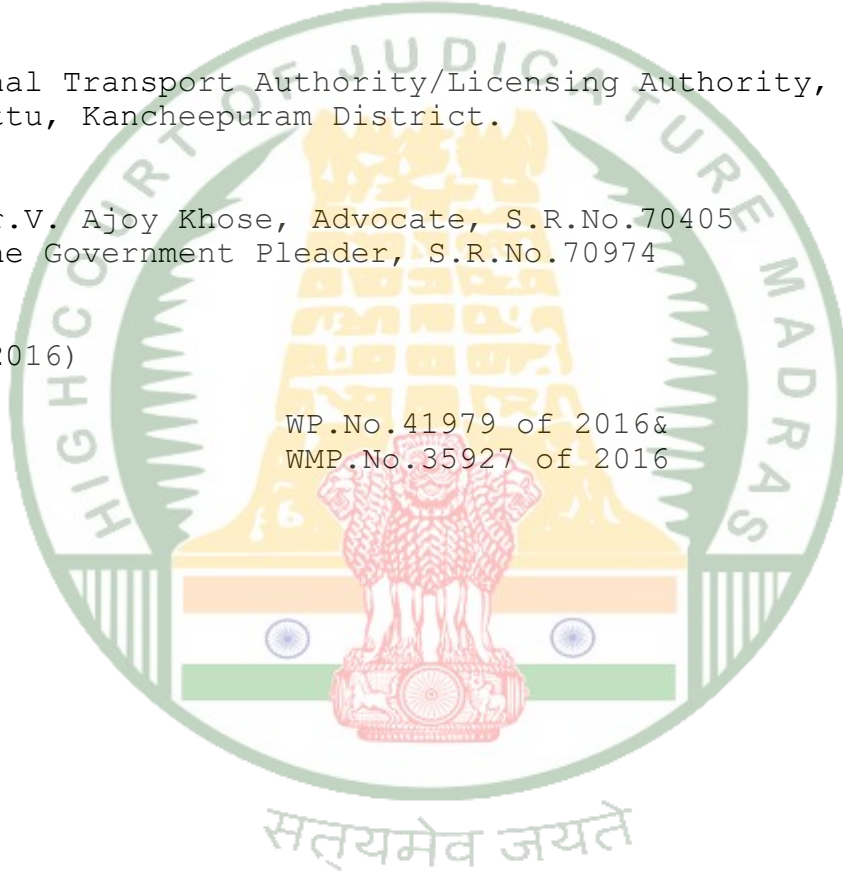
Sub Assistant Registrar

To
The Regional Transport Authority/Licensing Authority, Paranur,
Chengalpattu, Kancheepuram District.

+1cc to Mr.V. Ajoy Khose, Advocate, S.R.No.70405
+1cc to the Government Pleader, S.R.No.70974

pk(CO)
md(21/12/2016)

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