

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5438 of 2016

S.Karthikeyan

.. Petitioner

Vs.

1. The Regional Transport Officer,
Namakkal (West), Namakkal.
- 2 The Inspector of Police,
Rasipuram Police Station,
Rasipuram, Namakkal.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent herein to return the petitioner's Driving Licence bearing DL. No. TN 33199660004547 which is valid up to 24.6.2018 forthwith.

For Petitioner : Mr.A.Ganesan

For Respondent : Mr.M.S.Ramesh
Addl. Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the first respondent to return his driving licence which is valid up to 24.6.2018, forthwith.

2. It is the case of the petitioner that he is working as a driver in the Tamil Nadu State Transport Corporation, Kasiplayam Branch-3, Kovai Division, Erode zone, Erode District. While he was driving the vehicle from Rasipuram to Erode on 21.01.2015, the vehicle met with an accident, in which, a Motorcyclist sustained fatal injury and died on the spot. According to the petitioner, a case was registered against him and the case is pending on the file of Judicial Magistrate Court, Rasipuram. Further, the petitioner has stated that the second respondent seized his driving licence, which is valid upto 24.6.2018. Further, the petitioner has stated that the second respondent had handed over his driving licence to the first respondent for cancellation on 04.02.2016. The petitioner

gave a written representation to the first respondent to return his driving licence, however, the same was not returned to the petitioner.

3. Mr.M.S.Ramesh, learned Additional Government Pleader appearing for the respondents submitted that the driving licence can be directed to be returned by the first respondent following the orders of this court reported in 2015(2)CTC 626 [R.Ravi v. the Regional Transport Officer, Chennai] wherein, this court had directed to return the driving licence to the petitioner therein.

4. Following the judgement reported in 2015(2)CTC 626 [cited supra], I direct the first respondent to return the driving licence of the petitioner, within a week from the date of receipt of a copy of this order. However, I make it clear that 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.

With these observations, the writ petition is disposed of.

No costs.

Rj

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Regional Transport Officer,
Namakkal (West), Namakkal.

2. The Inspector of Police,
Rasipuram Police Station
Rasipuram, Namakkal.

+ 1 CC TO THE GOVT.PLEADER, SR 13713

+ 1 CC TO MR.A.GANESAN, ADVOCATE SR 12895

KR/8/3/16

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