

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5514 of 2016

N.Srinivasan

... Petitioner

Vs.

1.The Transport Commissioner,
Chepauk,
Chennai - 600 005.

2.The License Issuing Authority,
Regional Transport Office,
Poonamallee,
Thiruvallur District.

3.The Regional Transport Officer,
Regional Transport Office,
Gandhi Nagar,
Anna Nagar,
Chennai.

4.The Inspector of Police,
Traffic Investigation Wing,
K-10, Koyambedu Police Station,
Koyambedu,
Chennai - 600 107.

5.The Branch Manager,
Avadi Depot, Avadi,
Thiruvallur District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 01 19910003876 and enable him to join duty before the 5th respondent.

For Petitioner : Mr.R.Sundara Pandiyan

For Respondents : Mr.M.S.Ramesh,
Additional Government Pleader
takes notice

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the respondents 1 to 4 to return the petitioner's driving license in D.L.No.TN 01 19910003876 and enable him to join duty before the 5th respondent.

2.The petitioner was working as a Driver in the Metropolitan Transport Corporation, Avadi Depot. On 10.01.2016, at about 08.15 p.m., while he was driving the Trailer Bus bearing Registration No.TN 01 N 4510 from Avadi Depot and reached CMBT Bus Stand at about 09.35 p.m., an accident had occurred on the rear side of the Bus about 10 feet away from the Bus. There, the petitioner and the conductor noticed a person had fallen down sustaining head injury on the back side. The 4th respondent police had registered a case under Sections 279 and 304 (A) of the Indian Penal Code in Crime No.7/KM3/2016 dated 11.01.2016. According to the petitioner, the Bus he was driving did not meet with any accident on 10.01.2016.

3.It is the case of the petitioner that the Driving License of the petitioner was impounded by the 3rd respondent without issuance of any show cause notice.

4.The learned counsel for the petitioner submitted that the issue involved in the Writ Petition is squarely covered by the decision of this Court reported in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul].

5.Mr.M.S.Ramesh, learned Additional Government Pleader taking notice for the respondents also submitted that the relief sought for in the Writ Petition is covered by the judgment relied upon by the learned counsel for the petitioner.

6.In view of the same, the Writ Petition is disposed of with a direction to the respondents 1 to 4 to return the Driving License of the petitioner forthwith. However, it is open to the respondents 1 to 4 to proceed in accordance with law after issuing notice. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

va

To

1.The Transport Commissioner,
Chepauk, Chennai - 600 005.

2.The License Issuing Authority,
Regional Transport Office,
Poonamallee,
Thiruvallur District.

3.The Regional Transport Officer,
Regional Transport Office,
Gandhi Nagar, Anna Nagar,
Chennai.

4.The Inspector of Police,
Traffic Investigation Wing,
K-10, Koyambedu Police Station,
Koyambedu, Chennai - 600 107.

5.The Branch Manager,
Avadi Depot, Avadi,
Thiruvallur District.

1 cc to M/s. M.v. Muralidharan, Advocate, Sr. 9410

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