

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.5731 of 2016

P.Parthasarathy

... Petitioner

Vs.

1. Sub-Inspector of Police,  
Kadambur Police Station,  
Bangalapur, Erode District.
2. The Licensing Authority-cum-  
Regional Transport Officer,  
Gobichettipalayam, Erode District. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the 2<sup>nd</sup> respondent herein to return the original Driving License (DL No.TN36 19970003424) to the petitioner forthwith.

For Petitioner : Mr.K.Hariharan

For Respondents : Mr.A.Rajaperumal,  
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the 2<sup>nd</sup> respondent herein to return the original Driving License (DL No.TN36 19970003424) to the petitioner forthwith.

2.It is the case of the petitioner that he is employed as a Driver in the Tamil Nadu State Transport Corporation (Coimbatore) Limited, Erode Division. When he was driving the Bus on 07.12.2015, an accident had occurred due to the sole negligence of the passenger. The 1<sup>st</sup> respondent registered a case against the petitioner under Sections 279 and 304 (A) of the Indian Penal Code. Thereafter, the 2<sup>nd</sup> respondent issued a show cause notice calling upon the petitioner to explain why his Driving License should not be cancelled. The petitioner sent his reply. However, the Driving License was seized by the 1<sup>st</sup> respondent and was sent to the 2<sup>nd</sup> respondent and now, the 2<sup>nd</sup> respondent is retaining the petitioner's Driving License.

Hence, the petitioner has filed the Writ Petition to issue a writ of mandamus to direct the 2<sup>nd</sup> respondent to return the original Driving License for the reason that the criminal case has not yet been decided.

3.The issue involved in the Writ Petition is covered by the decision of a Division Bench 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].

4.Mr.A.Rajaperumal, learned Government Advocate taking notice for the respondents submitted that the relief sought for in the Writ Petition is covered by the decision of a Division Bench 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.Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in 2010 Writ L.R. 100 [P.Sethuram Vs. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul], I direct the 2<sup>nd</sup> respondent to return the petitioner's original Driving License (DL No.TN36 19970003424) to the petitioner forthwith on production 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 disposed of. No costs.

Sd/-

सत्यमेव जयते  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

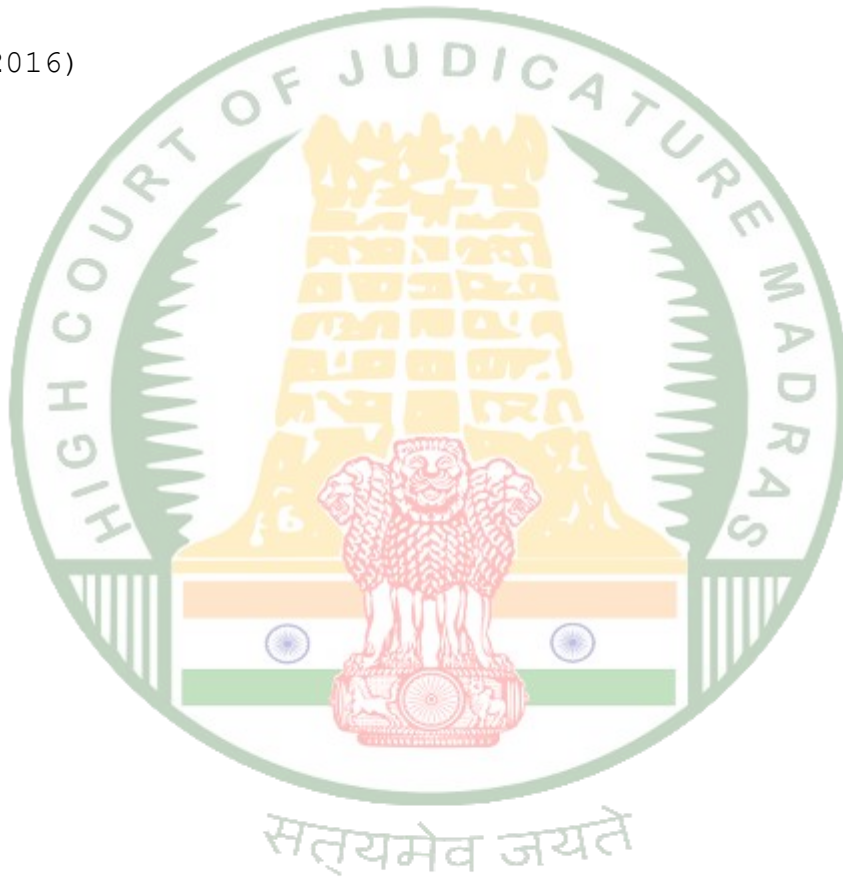
1. The Sub-Inspector of Police,  
Kadambur Police Station,  
Bangalapur, Erode District.

2. The Licensing Authority-cum-  
Regional Transport Officer,  
Gobichettipalayam, Erode District.

+lcc to Mr.K.Hariharan, Advocate, S.R.No.9879  
+lcc to the Government Pleader, S.R.No.10233

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