

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.6231 of 2016
and W.M.P.No.5567 of 2016

S.Neelamegan

... Petitioner

Vs.

The Regional Transport Officer,
Ulundurpet,
Villupuram District.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the respondent in connection with the impugned order passed by him in Se.Mu.aa.No.25213/E3/2015 dated 04.12.2015 and quash the same and further direct the respondent to return the original driving license.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.M.S.Ramesh,
Additional 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 respondent in connection with the impugned order dated 04.12.2015 and to quash the same and further direct the respondent to return the original driving license to him.

2.It is the case of the petitioner that he is a Driver in RR Cambridge School and in the accident that had occurred on 20.08.2015, the petitioner's Driving License was seized by the Inspector of Police, Varanjaram and has sent a report to the respondent for taking action. According to the petitioner, the criminal case filed as against him is under investigation and no charge sheet has been filed.

3.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.M.S.Ramesh, learned Additional Government Pleader appearing for the respondent also submitted that the issue is covered by the judgment of this Court reported in 2015 (2) CTC 626 [R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078 [Chennai (West)]].

5.Having regard to the submissions made by the learned counsel on either side, following the ratio laid down in the said judgment, the impugned order passed by the respondent dated 04.12.2015 is set aside. 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 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. Consequently, the connected miscellaneous petition is closed.

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Sub Assistant Registrar

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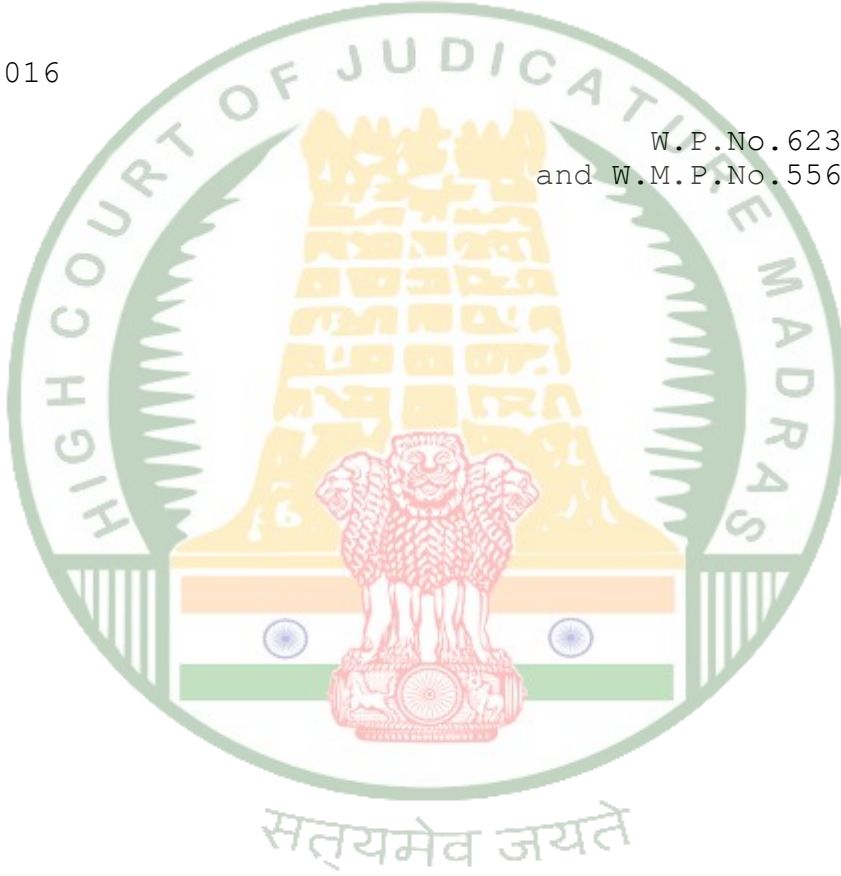
The Regional Transport Officer,
Ulundurpet,
Villupuram District.

+1cc to Mr.D. Sivakumar, Advocate, S.R.No.13300

+1cc to the Government Pleader, S.R.No.13645

AD(CO)
EU(04/03/2016

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