

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.8049 of 2016

K.Saminathan

... Petitioner

Vs.

1.The Regional Transport Officer,
Perambalur,
Perambalur District.

2.The Inspector of Police,
Kunnam Police Station,
Kunnam,
Ariyalur District.

... Respondents

Prayer:Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to return the original driving license of the petitioner bearing No.TN-46-19910005533.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.A.Zakir Hussain
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of Mandamus, directing the first respondent to return his original driving license bearing No.TN-46-19910005533.

2.It is the case of the petitioner that even before completion of the criminal case in Cr.No.566 of 2015, the first respondent had seized his driving license. Further, the petitioner had stated that inspite of the petitioner's explanation dated 04.02.2016 stating that he has not committed any wrong in the accident that occurred on 27.12.2015, the first respondent had not returned his driving license.

3.The learned counsel for the petitioner submitted that in similar circumstances, this Court in R.Ravi Vs. The Regional Transport Officer, Transport Department, Chennai - 600 078,

Chennai (West) reported in [2015 (2) CTC 626], directed the respondent to return the driving license to the petitioner, since the criminal case was pending as against the petitioner therein.

4.The learned Government Advocate appearing for the respondents 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 and following the ratio laid down in the said judgment, I direct the first respondent to return the petitioner's original driving license, 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 these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Regional Transport Officer,
Perambalur,
Perambalur District.

2.The Inspector of Police,
Kunnam Police Station,
Kunnam,
Ariyalur District.

+1cc to Mr.Sivakumar, Advocate, S.R.No.16246

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mg (CO)
srg (22/03/2016)