

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

W.P. No. 8164 of 2016

M. Mariyarevi

..Petitioner

Vs.

1. The Transport Commissioner,
Chepauk, Chennai - 600 005.
2. The Regional Transport Officer,
Regional Transport Office,
Sholinganallur,
Chennai - 600 119.
3. The Inspector of Police,
Traffic Investigation Wing,
J3, Guindy Police Station,
Guindy, Chennai - 600 032.
4. The General Manager,
Metropolitan Transport Corporation,
Pallavan House,
Chennai - 600 002.
5. The Regional Transport Officer,
Regional Transport Office,
Marthandam, Kanyakumari District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to return the petitioner's driving licence in D.L. No. TN 72 19910001308 and enable him to join duty before the 4th respondent.

For Petitioner :: Mr. A. Rajesh Kanna

For Respondents :: Mr. A. Rajaperumal,
Govt. Advocate

O R D E R

The petitioner has filed the above writ petition for issue of a Writ of Mandamus directing the respondents to return

the petitioner's driving licence in D.L. No. TN 72 19910001308 and enable him to join duty before the 4th respondent.

2. It is the case of the petitioner that he is working as a driver under the 4th respondent and on 24.02.2016, while he was driving a bus, the vehicle met with an accident and subsequently, the person, who got injured, died. The 3rd respondent, Inspector of Police, Traffic Investigation Wing, J3 Guindy Police Station registered a case against the petitioner under Sections 279 and 304 (A) I.P.C. in Crime No. 142/S2/16 dated 24.02.2016. Pursuant to the registration of the FIR, the 3rd respondent seized the petitioner's driving licence and handed over the same to the 2nd respondent on 25.02.2016. The petitioner gave a representation to the 2nd respondent to return the driving licence. However, the 2nd respondent has not returned the driving licence so far.

3. The learned counsel appearing for the petitioner submitted that this Court, in similar circumstances, had directed the authority concerned to return the driving licence to the petitioner in the said case for the reason that the Criminal Court did not find him guilty. Further, the learned counsel submitted that even prior to the completion of criminal proceedings, the driving licence of the petitioner has been seized, which is against the ratio laid down by the Division Bench of this Court in P. Sethuram V. The Licensing Authority, The Regional Transport Officer, The Regional Transport Office, Dindigul reported in 2010 Writ L.R. 100.

4. Mr.A. Rajaperumal, learned Government Advocate appearing for the respondents submitted that the issue involved in the present writ petition is covered by the decision relied on by the learned counsel for the petitioner.

5. Following the ratio laid down by the Division Bench of this Court, this Court also had an occasion to direct the authority concerned to return the driving licence in W.P. No. 5514 of 2016 by order dated 15.02.2016.

6. Hence, the writ petition is disposed of with a direction to the 2nd respondent to return the driving licence to the petitioner forthwith, on production of a copy of this order. It is open to respondents 1 to 4 to proceed in accordance with law, after issuing notice. No costs.

nv

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Transport Commissioner,
Chepauk, Chennai - 600 005.
 2. The Regional Transport Officer,
Regional Transport Office,
Sholinganallur,
Chennai - 600 119.
 3. The Inspector of Police,
Traffic Investigation Wing,
J3, Guindy Police Station,
Guindy, Chennai - 600 032.
 4. The General Manager,
Metropolitan Transport Corporation,
Pallavan House,
Chennai - 600 002.
 5. The Regional Transport Officer,
Regional Transport Office,
Marthandam, Kanyakumari District.
- + 1 cc to Mr.M.V.MURALIDARAN, Advocate Sr 15208
- + 1 CC TO THE GOVT.PLEADER, SR 15056

KR/15/3/16

W.P.No.8164 of 2016

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